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CITY REPORT 1985 - 1986



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Rochester, New Hampshire**

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TABLE OF CONTENTS

Mayor's Report	3
City Government	8
Ordinance Amendments	11
Resolutions	115
Report of the City Assessor	123
Report of the City Attorney	124
Report of the City Clerk	125
Report of the Code Enforcement Officer	
a. Report of the Building Inspector	133
b. Report of the Board of Health	135
Report of the Rochester Fire Department	137
Report of the Librarian	138
Report of the Planning and Development Department	144
Report of the Police Department	147
Report of Public Buildings	148
Report of the Department of Public Works	149
a. Better Rochester Water	150
Report of the Recreation Department	154
a. Report of Juvenile Court Diversion Program	155
Report of the Superintendent of Schools	156
Report of the Welfare Department	161
Annual Financial Report	163
a. Independent Audit	162

**MEMBERS OF THE
ROCHESTER CITY GOVERNMENT
AND
REPORT OF THE AFFAIRS
FOR 1985 - 1986
(July 1, 1985 to June 30, 1986)**

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MAYOR RICHARD GREEN

**INAUGURAL ADDRESS
MAYOR RICHARD GREEN
January 7, 1986**

In many respects a city is like a person. It has a personality and develops goals and ambitions. It can allow itself to become old and tired and even die. It can be young and vibrant and dynamic. It can mature and become self-assured and self-confident.

Fortunately for cities, unlike the case with individuals, the age of a community and its stage in life are not merely functions of its years, but rather are determined by the perception of that city in the minds of its inhabitants and those around it. Rochester, during the past six years, has experienced a rebirth. In that time, I believe that Rochester has been transformed from a tired, aimless and decaying community into a young, dynamic, growing and maturing city.

From time to time, however, it is important for a city, as it is for an individual, to pause to take stock of itself and to engage in some self-reflection and self-evaluation to determine if the goals that it has set for itself are still appropriate, and to ascertain what must be done in the future to achieve those goals. Fortunately, this inaugural provides me with an ideal opportunity to reflect upon what Rochester has accomplished in the past six years; to review those projects that are currently under way; and, to establish a new agenda that must be pursued in the years ahead if Rochester is to fulfill its goal of improving the quality of life for all of Rochester's citizens.

When I first took office as Mayor in January of 1980, Rochester was beset by a multitude of problems, all of which demanded immediate attention. Dealing decisively and effectively with the lack of openness in city government, the instability and mismanagement of city finances; the ignoring of public safety issues; the absence of a varied and active recreation program; the total lack of planning for future growth; the unrest and conflicts in the school system; the failure to maintain the city's capital equipment and infrastructure; and the longstanding and largely ignored water and sewerage problems were only a few of the areas in which major initiatives were necessary if Rochester was to be put on an even keel again.

Having this in mind at its outset, this administration sought to enlist the assistance of all segments of Rochester's governmental, business and private sectors in a cooperative effort to get Rochester moving in a positive direction again. I am pleased to say that, with the full cooperation of the City Council, we have, to a large extent, been successful. Many of the problems that confronted Rochester in January of 1980 have been resolved. Many more are currently the object of projects designed

to bring about their solution.

As a result of our efforts in revising and updating our City Charter, municipal ordinances, and the Rules and Orders of the Mayor and Council, the legal underpinnings of our city have been restored. The city's public buildings, capital equipment and infrastructure are now being regularly maintained so that the investment of your tax dollars is not being squandered through needless deterioration. With the advent of semi-annual tax collection, the adoption of a fiscal year, the establishment of annual audits of the city's books, the restoration of the city's credit rating, and the implementation of sound business and financial management practices, the city's financial house has been put in order. Most importantly, during the past six years there has developed in Lilac City inhabitants a new, bold and positive self-image of the City of Rochester. This positive feeling about Rochester has bred a confidence that for the first time in many years, Rochester is again in control of its own future.

To ensure that Rochester maintains a bright future will require that during the next several years a number of projects currently under way are pursued to a successful conclusion. The downtown revitalization project, which is rejuvenating the face of Rochester is essential to the rebirth of Rochester's central business district and, consequently, this administration will place a high priority on its completion. The Wyandotte Mill complex, which is slated for completion in early March, will go a long way toward fulfilling our senior citizens' needs for quality affordable housing.

During the next four years the City of Rochester will continue its efforts to ensure that public buildings and facilities are accessible to the physically handicapped and, hopefully, with the City's continued support and cooperation the private efforts presently being made to restore the Rochester Opera House, one of this community's most unique historical features, will come to fruition. Most important, from the standpoint of preparing Rochester to meet the challenges of the 21st century will be the completion of our ongoing sewer and water projects. Both of these projects are essential to Rochester's ability to support the quality residential, commercial and industrial growth that will be needed in the years ahead if Rochester's tax base is to expand sufficiently to provide us with the amenities we need and desire at a cost we can afford.

In the next several months one of the primary goals which I established at the beginning of my first administration will be realized when the City's sewerage treatment facility becomes operational. The attainment of this goal represents one of the most significant advances in Rochester's recent history. A modern functioning sewerage treatment facility will not only enable Rochester to bring a long overdue end to its pollution of the Cochemo River, but also it will allow our city to free itself

from the state-imposed moratorium on new sewer hookups. I am confident that the end of this moratorium which has been a major impediment to industrial growth in this city for the past decade, will spell the beginning of an industrial expansion in Rochester that will produce good jobs for our citizens as well as a beneficial broadening of our property tax base.

The opening of Rochester's sewerage treatment facility will not mark the end of this administration's efforts to improve this city's sewer system. As soon as our sewerage treatment facility comes on line the city will embark upon a ten year sewer line extension plan that will seek to improve service to current sewer system users and to extend sewer service to areas of the city presently outside of our existing sewer system.

Another major project which has recently been started after many years of planning is the construction of our water treatment plant. The completion of this facility and the related improvements to and extensions of our water delivery systems are projects that will continue to rank high on this administration's list of priorities.

While the completion of our much needed and long awaited water and sewerage facilities will be a boon to Rochester and its economy, they will also place a heavy burden of responsibility upon city government insofar as their operation is concerned. As you know, in 1984 our City Charter was amended to require that both our water and sewer departments would be financially independent and self-sufficient. This means that each of these departments will be supported only by its own users. Because of this fact, it is essential that the City constantly strive to keep the cost of operating and maintaining these systems to a minimum so that the cost to system users can be kept as low as possible. Consequently, I pledge that during the next four years the Green administration will work diligently to ensure that our new sewer and water departments are placed on a sound financial footing and that they are administered and operated in a professional and cost-effective manner.

During the past six years much has been accomplished in Rochester and with the completion of the projects I have just outlined, virtually all of the specific goals and objectives that this administration established in its early years will have been realized. While I believe that all of us who have participated in achieving these goals can take justifiable pride in these accomplishments, I also believe that a realistic evaluation of the City of Rochester is to realize its full potential. Consequently, it is not sufficient for me to stand before you tonight and merely pledge to complete what we have already begun. Therefore, tonight I am urging all of you, Rochester's elected officials and private citizens alike, to join with me in adopting a new agenda of projects and initiatives designed to keep Rochester moving ahead.

One of the keys to the future growth and development of Rochester is our ability to attract and accommodate quality industrial and commercial firms. In order to effectively compete with other communities for these businesses, there are a number of objectives which we must pursue in the immediate future.

First, in the next few months we must adopt a new set of ordinances to implement our new Master Plan. The adoption of these ordinances will ensure that future industrial growth is both orderly and compatible with existing and future commercial and residential development. Second, because access is critical to a community's ability to grow and attract quality industries, this administration will actively support, both here and in Concord, plans for a northerly terminus to the proposed east-west state highway and proposals to construct Exit 10 from the Spaulding Turnpike. These proposals are critical to the long-term prosperity of the tri-city area and, in the case of Exit 10, will be instrumental to our ability to fully develop the potential that the expansion of Skyhaven Airport will create. Hopefully, our efforts to gain approval for these proposals will have the support of local political, commercial and industrial leaders from throughout this area.

Other projects will be essential if we are to adequately provide for Rochester's present and future needs. Therefore, in the next four years I look forward to sponsoring initiatives to improve traffic flow in the city by constructing a new bridge across the Cocheco River connecting Routes 11 and 16; to explore the ways to provide additional convenient downtown parking; to take advantage of existing state and federal funding sources to provide new and affordable housing for Rochester's low and moderate income inhabitants through the Rochester Housing Authority; to construct a much needed addition to the Gonic Elementary School; to improve facilities for our Police and Fire Departments; and, last but not least, to pursue having Rochester designated as a Regional Vocational Center, in conjunction with the addition to Spaulding High School which such a designation would require, and to reorganize the Spaulding Complex so it will accommodate grades 7 through 12, thereby easing the pupil load currently being placed on our elementary schools.

Finally, since the City will be engaged in contract negotiations with all of its employee bargaining units during 1986, I would be remiss if I did not recognize the contribution made to this city by its nearly 500 employees. For the most part, Rochester and its School Department are blessed with dedicated and hard-working employees who serve the people of Rochester well. I look forward to this year's negotiations because I am confident that while the negotiations will be hard-nosed and spirited, with reason and good faith on both sides of the table, we will be able to arrive at agreements that will be fair to both our employees and to the

Rochester taxpayers.

I recognize that the proposals that I have outlined tonight are ambitious goals that will not be easily achieved, particularly in light of reductions in federal aid to cities and towns that are scheduled to occur as part of the federal government's efforts to bring the federal budget deficit under control. It has been my experience, however, that no great achievements or major advances come easily. They require that we challenge ourselves and constantly test the limits of our abilities.

The agenda that I have laid out this evening is not beyond the abilities of the City of Rochester if we are willing to cooperate and work together. Consequently, I urge this council, as I have urged its three predecessor councils, to join with me and all of Rochester's other elected officials in a pledge to work together for the common good of the people of Rochester. I am confident that if we work together, we will succeed in making Rochester an ever improving place in which to work and live.

CITY GOVERNMENT
As Organized January 1, 1986
MAYOR RICHARD GREEN

COUNCILMEN

Ward One - Harry Germon, James McManus, Jr.
Ward Two - William Fielding, Sandra Keans
Ward Three - Michael Dubois, Daniel Hussey
Ward Four - Victor Hamel, Richard Creteau
Ward Five - Charles Gerrish, Charles Grassie, Jr.
At-Large - Charles Hervey, Lucien Levesque

STANDING COMMITTEES, 1986

Public Health & Safety: Michael Dubois, Chairman; James McManus, Jr.; Charles Gerrish
Public Works & Facilities: Charles Hervey, Chairman; Lucien Levesque; Sandra Keans
Human Services: William Fielding, Chairman; Richard Creteau, Victor Hamel
Management: Daniel Hussey, Chairman; Charles Grassie, Jr.; Harry Germon
Finance: Mayor Richard Green, Chairman; Daniel Hussey; Charles Hervey; William Fielding; Michael Dubois; Lucien Levesque

SPECIAL COMMITTEES, 1986

Downtown Revitalization: Lucien Levesque, Chairman; Charles Hervey; Michael Dubois

PERSONNEL

City Treasurer & Business Administrator - Rita B. George
City Clerk - Gail M. Varney
City Solicitor - Jerome H. Grossman
Tax Collector - Conrad P. Gagnon
Commissioner of Public Works - Bert D. George
City Engineer - Bradford Towle
Fire Chief - Robert E. Duchesneau
Deputy Fire Chiefs - Harris Twitchell, George Colwell, Norbert Hamann
Police Chief - Kenneth P. Hussey
Deputy Police Chief - Bradley Loomis
Assessor - Kathy Wallingford

Building Inspector - Leslie G. Horne, Jr.
Planning & Development Director - Kenneth Ortmann
Economic Development Director - George Bald
City Physician - Dr. Joseph Britton
Health Officer - Leslie G. Horne, Jr.
Welfare Director - Jane Hervey
Recreation Director - Brent Diesel
Librarian - Roberta Ryan
Animal Control - Frank Callaghan
Custodian of City Hall - Patricia Mayo
Custodian of East Rochester - Lorraine Brooks
Custodian of Gonic Town Hall - Rosemarie Lachapelle

BOARDS AND COMMISSIONS, 1986

Board of Adjustment: Raymond Porelle, Chairman; Richard Drapeau; Warren Ranagan; Joseph Hagan; Thomas Kittredge - Alternate Members, Herbert Clark, Richard Marsh, James Fraser - Ex-officio Member, Leslie Horne, Jr.

Board of Assessors: Kathy Wallingford, Chairman; Harold Chisholm

Board of Health: Dr. Thomas Moon, Chairman; Dr. James DeJohn; William Keefe; Dr. Joseph Britton; Leslie Horne, Jr.

Licensing Board: Mayor Richard Green, Chairman; Kenneth Hussey; Robert Duchesneau

Planning Board: Robert Silberblatt, Chairman; Charles Clement III; Vicky Ware; Matthias Marquardt; Gary Cassavechia; Stephen Lewis - Ex-Officio Members, Mayor Richard Green; Kenneth Ortmann; Charles Grassie, Jr. - Alternate Members, Karen McGarghan; Dennis Barbeau; James McManus, Jr.

Welfare Appeals Board: Anthony Coraine, Chairman; Donna Simmons; Sally Emerson

Conservation Commission: Lawson Stoddard, Chairman; Prisco Diprizio; Ellis Hatch; Richard Dame; Michael Garzillo; Carolyn Rose; Arthur Birch

Economic Development Commission: Terrence Dunn, Chairman; Janet Davis; Robert Silberblatt; John Dulude; Phillip Drapeau; Daniel Hussey; Robert Gustafson; Danford Wensley; Charles Sherman

Police Commission: Ronald Lachapelle, Chairman; Edward Flanagan; John Newhall

Recreation Commission: Alfred Benton, Chairman; Charles Grassie, Jr.; Joyce DeJohn; Marc Bergeron; Jerold Barcomb

Strafford Regional Planning Commission: Matthias Marquardt; Gary Dworkin; Warren McGranahan

Trustees of the Public Library: Diane Brennan, Chairman; Harry Rose; Eleanor Roberts; Jeremiah Minihan; Natalie Wensley; David Pearson; Mayor Richard Green

Trustees of the Trust Funds: W. Bradley Corson; Kennett Kendall, Jr.; Dr. Gus Hoyt

MAYOR'S TASK FORCES, 1986

Downtown Revitalization Task Force: Paul Durgin, Chairman; William Keefe, Vice Chairman; Gerald Janelle; Marcia Nescot; James Bisbee; Janet Davis; Chester Welch; Jean Kane; Jennifer Silberblatt; Paul Towle; Robert Silberblatt; Helen Bouregard; Vicky Ware; Beatrice Craig; Roy Allain; William Cormier; Jeannette Nelson; Jerome MacConnell; Charles Sherman; Frank Ernst; Michael Dubois; Lucien Levesque; Charles Hervey; Bert George; Kenneth Ortmann; Leslie Horne, Jr.; Thomas Kittredge; Mayor Richard Green

ELECTION OFFICIALS, 1986

Ward One - Arthur Hoover, Moderator; Nancy Brown, Ward Clerk; Beatrice Craig, Supervisor; Nancy-Jo Higgins, Karla Quint, Laura Lucier, Selectmen

Ward Two - Brian Brennan, Moderator; Lorraine Morin, Ward Clerk; Susan Lincoln, Supervisor; Betty Pallas, Norman LaBrecque, Julie Brown, Selectmen

Ward Three - John Richardson, Moderator; Karen Grossman, Ward Clerk; Cecilia Smith, Supervisor; Stuart Fanning, Maurice Lefebvre, Denise Stewart, Selectmen

Ward Four - David Pheasant, Moderator; Lena LaRoche, Ward Clerk; Jacqueline Peters, Supervisor; Louise Schofield, Mary Sylvain, Lillian Boudreau, Selectmen

Ward Five - Danford Wensley, Moderator; Grace Drapeau, Ward Clerk; Gertrude Brigham, Supervisor; Pauline Torr, Marjorie Rodis, Maurice Bedard, Selectmen

City Officials - Gail M. Varney, City Clerk; Sally Emerson, Chairman of the Supervisors

**AMENDMENTS TO THE GENERAL ORDINANCES
OF THE CITY OF ROCHESTER
ADOPTED BY THE ROCHESTER CITY COUNCIL
FISCAL YEAR 1985 - 1986**

**AMENDMENT TO CHAPTER 24
MORALS AND CONDUCT**

THE CITY OF ROCHESTER ORDAINS:

1) That Chapter 24 of the General Ordinances of the City of Rochester, as amended, be further amended by striking the existing Section 24.7 and substituting the following new section:

24.7 Games and Loitering Prohibited on Any City-Owned or Controlled Parking Lot. No person, without the permission of the Mayor, shall throw, cast, catch, kick, play with, or strike any game ball whatsoever or engage in any sport, game or competition on any city-owned or controlled parking lot. Nor shall any person loiter in any city-owned or controlled parking lot.

2) And that the following new section 2.12 be added with the subsequent sections renumbered accordingly:

24.12 Loitering Prohibited on School Property and the Hanson Pines Recreation Area. No person shall loiter on school property or the Hanson Pines Recreation Area before, during, or after school hours. For purposes of this section and other related sections of these ordinances, loitering shall be as defined in RSA 644:6 as presently enacted or as amended in the future.

PASSED: August 6, 1985

AMENDMENT TO ZONING ORDINANCE

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42.4(bb) of the Ordinances of the City of Rochester, as amended, be further amended by reclassifying the following parcel of land from its present classification of Agricultural (A) to the classification of Business-2, and that the zoning map be changed accordingly:

BEGINNING at a point on the southwesterly sideline of the said Flagg Road, said point being an existing iron pipe representing the southeasterly boundary of land now or formerly of one Hussey; thence running along the southwesterly sideline of Flagg Road South $36^{\circ} 01'$ East a distance of two hundred seventy-two (272) feet, more or less, to a New Hampshire Highway Department boundary marker; thence turning and running South 05° West a distance of two hundred forty-six (246) feet, more or less, to a New Hampshire Highway Department boundary marker located on the westerly sideline of N.H. Route 125; thence running along the westerly sideline of the said Route 125 a distance of ninety and seven tenths (90.7) feet, more or less, to a steel stake set in the ground, said stake representing the northeasterly boundary of Lot #1 as it appears on the aforementioned plan; thence turning and running North $46^{\circ} 48'$ West along the northerly boundary of said Lot #1 a distance of two hundred eleven and six tenths (211.6) feet, more or less, to a steel stake set in the ground; thence turning and running South $57^{\circ} 03'$ West along the northwesterly boundary of Lot #1 a distance of three hundred twenty-eight and six tenths (328.6) feet, more or less, to a steel stake set in the ground; thence turning and running North $27^{\circ} 30'$ West along the westerly boundary of the tract herein described a distance of eight hundred thirty-three and five tenths (833.5) feet, more or less, to an iron pipe; thence turning and running North $81^{\circ} 16'$ East a distance of two hundred fifty and six tenths (250.6) feet, more or less, to an iron pipe; thence turning and running South $33^{\circ} 11'$ East a distance of three hundred fifteen and three tenths (315.3) feet, more or less, to an iron pipe; thence turning and running North $78^{\circ} 16'$ East a distance of three hundred nine (309) feet, more or less, to the point of beginning.

PASSED August 6, 1985

AMENDMENT TO CHAPTER 61 OPERATION OF MOTOR VEHICLES

THE CITY OF ROCHESTER ORDAINS:

That Chapter 61 of the General Ordinances of the City of Rochester, as amended, be further amended by adding the following new section:

61:11 Commercial Vehicle and Truck Travel Restricted. When signs are erected giving notice thereof, streets or parts of streets shall be restricted to pleasure vehicles only with a gross vehicle weight under 6,000 pounds. All commercial vehicles, including but not limited to trucks, tractor-trailer trucks, and diesel

powered trucks, are expressly prohibited. These restrictions shall not apply to trucks making deliveries to residences or businesses on said streets, to City-owned vehicles, nor to drivers traveling to their own residences on said streets. Drivers traveling to their own residences shall not park said vehicles on any portion of the City street or right-of-way.

PASSED October 1, 1985

**AMENDMENT TO CHAPTER 11
REGARDING MOTOR VEHICLE PERMIT FEE EXEMPTION**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 11, Section 9 of the General Ordinances of the City of Rochester, as amended, be further amended by adding the following new subsection (A) to 11.9:

(A) Exemption for Prisoners of Wars

The permit fee shall be waived for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who was honorably discharged, providing the person has provided the City Tax Collector with satisfactory proof of these circumstances.

PASSED November 6, 1985

**AMENDMENT TO CHAPTER 13
APPOINTMENT AND ELECTION OF CITY OFFICERS**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 13 of the General Ordinances of the City of Rochester, as amended, be further amended as follows:

- 1) That the officer "Chief Assessor" be added to the Officers and department heads elected to indefinite terms in Section 13.3.
- 2) That the officers "Two (2) Part-Time Assessors" be added to the officers and department heads elected to two year terms in Section 13.1.

3) That the officer "Overseer of Public Welfare" be stricken from Section 13.2 and be added as "Welfare Director" to the officers and department heads elected to indefinite terms in Section 13.3.

PASSED January 7, 1986

AMENDMENT TO CHAPTER 2 MUNICIPAL DEPARTMENTS

THE CITY OF ROCHESTER ORDAINS:

That Chapter 2 of the General Ordinances of the City of Rochester as amended be further amended as follows:

1) That Section 2.2 Assessing Department, Subsection (a) be amended by striking the words "and for such term" and adding the words "and for such terms as provided for by ordinance" to the end of the last sentence.

2) That Section 2.16 Welfare Department, Subsection (a) be amended by changing in two places the title of the department head/officer from "Overseer of Public Welfare" to "Welfare Director".

PASSED January 7, 1986

AMENDMENT TO CHAPTER 29 CONTROL OF ANIMALS

THE CITY OF ROCHESTER ORDAINS:

That Chapter 29 of the General Ordinances of the City of Rochester, as amended, be further amended by striking the words "said term to run concurrently with the terms of the office of Mayor" from Section 29.1.

PASSED January 7, 1986

AMENDMENTS TO CHAPTER 12 MUNICIPAL ELECTIONS

THE CITY OF ROCHESTER ORDAINS:

That Chapter 12.5, Municipal Election - Recount, of the General Ordinances of the City of Rochester, as amended, be further amended by

changing the provision relating to vote margins from "four percent" to "three percent" and changing the "other case" recount fees from \$250.00 to \$600.00 and from \$50.00 to \$200.00 so that said Section shall read as follows:

12.5 Municipal Election - Recount. Any candidate for an office at a municipal election shall be entitled to a recount of the ballots cast at said election upon his filing with the City Clerk an application for such recount in accordance with the provisions of Section 12-c of the City Charter and paying to the City Clerk for the use of the City a fee in the appropriate amount. In cases where the vote margin separating the candidate requesting the recount from the winning candidate according to the official canvass of the votes is no greater than three percent of the total votes cast for such office at said election, the appropriate fee shall be \$50.00 for a city-wide recount and \$10.00 for a ward recount. In all other cases the appropriate fee for a recount shall be \$600.00 for a city-wide recount and \$200.00 for a ward recount.

PASSED January 14, 1986

AMENDMENT TO CHAPTER 3 BOARDS AND COMMISSIONS

THE CITY OF ROCHESTER ORDAINS:

(1) That Chapter 3 of the General Ordinances of the City of Rochester, as amended, be further amended by striking the present subsection 3.3(a) and substituting the following:

(a) The composition of the Board of Health shall be as provided in Section 18 of the Rochester City Charter. Board members shall be elected by the City Council for terms as prescribed by ordinance, said terms so arranged that one of the three elected members, other than the City Physician or the City Health Officer, shall be elected each year. Vacancies in these three elected positions shall be filled by the City Council for the unexpired terms.

(2) That Chapter 3 of the General Ordinances of the City of Rochester, as amended, be further amended by adding the words "by the Mayor" to the end of the third sentence of Subsection 3.9(b).

PASSED January 14, 1986

AMENDMENT TO CHAPTER 13 APPOINTMENT AND ELECTION OF CITY OFFICERS

THE CITY OF ROCHESTER ORDAINS:

That Chapter 13 of the General Ordinances of the City of Rochester, as amended, be further amended by adding one Board of Health member to the officers and department heads elected to three-year terms in Section 13.2.

PASSED January 14, 1986

AMENDMENT TO CHAPTER 42 - ZONING

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester, as amended, be further amended by striking in its entirety the existing Chapter 42 and the existing Zoning Maps and by adopting a new Chapter 42 and new Zoning Maps, both as amended at this meeting, as follows:

CHAPTER 42 ZONING

SECTION ANALYSIS

- 42.1 Purpose and Authority
- 42.2 Zoning Districts and Zoning Map
- 42.3 Interpretation of Zoning District Boundaries
- 42.4 Lots in Two Zoning Districts
- 42.5 Application of Regulations
- 42.6 Definitions
- 42.7 Nonconforming Uses
- 42.8 Signs
- 42.9 Off-Street Parking and Loading
- 42.10 Fences
- 42.11 Earth Removal
- 42.12 Performance Standards
- 42.13 Zoning District Regulations - General
- 42.14 Permitted Uses - Table I
- 42.15 Permitted Uses - Detail
- 42.16 Dimensional Regulations - Table 2
- 42.17 Dimensional Regulations - Detail

- 42.18 Airport Zoning
- 42.19 Wetland Conservation Zone
- 42.20 Regulatory Floodway Zone
- 42.21 Aquifer Protection Zone
- 42.22 Special Downtown District
- 42.23 Special Exceptions
- 42.24 Cluster Development
- 42.25 Administration and Enforcement
- 42.26 Building Permits
- 42.27 Certificate of Occupancy
- 42.28 Board of Adjustment
- 42.29 Administrative Review
- 42.30 Interpretation

42.1 Purpose and Authority. Pursuant to the authority conferred by Chapter 674:16 of the New Hampshire Revised Statutes Annotated, the zoning regulations and districts as herein set forth are in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fires, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, solid waste facilities, water, sewerage, schools, parks; assure proper use of natural resources; and other public requirements. They are made with reasonable consideration, among other things, to the character of the district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the municipality. The regulations do not apply to existing structures nor to the existing use of any buildings, but shall apply to any alteration of a building for use for a purpose or in a manner substantially different from the use to which it was put before alteration.

42.2 Zoning Districts and Zoning Map.

(a) Zoning Districts. The City of Rochester is hereby divided into the following zoning districts.

- A - Agricultural Zone
- R-1 - Residence 1 Zone
- R-2 - Residence 2 Zone

B-1 - Business 1 Zone
B-2 - Business 2 Zone
I-1 - Industry 1 Zone
I-2 - Industry 2 Zone
I-3 - Industry 3 Zone
H - Hospital Zone
AA - Airport Approach Zone
F - Regulatory Floodway Zone
W - Wetland Conservation Zone
AP - Aquifer Protection Zone
SD - Special Downtown District

(b) Zoning Map. The zoning districts in this ordinance are bounded as shown on the map entitled "Zoning Map of the City of Rochester, New Hampshire, dated March 4, 1986" which accompanies this ordinance and is on file in the Offices of the Planning and Development Director and the Building Inspector.

The map and all explanatory matter thereon, is hereby adopted and made a part of this ordinance.

42.3 Interpretation of Zoning District Boundaries. Unless otherwise indicated on the zoning map, the zoning district boundary lines are the center lines of the streets and other public ways, the middle of the channel of waterways, or the center line of the main tracks of railroad lines. Where zoning district boundaries are so indicated that they parallel the center lines of streets and other public rights-of-way, such boundaries shall be interpreted as parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be two hundred (200) feet from the street lines, right-of-way lines, or such lines extended or the center line of a block, whichever is less.

42.4 Lots in Two Zoning Districts. Where the boundary line of a zoning district divides a lot in single or joint ownership at the time of passage of the ordinance establishing such boundary line, the regulations for either district may, at the option of the owner, extend to the entire lot, but in no case shall permitted uses be extended more than one hundred (100) feet from the zoning district boundary line into the zoning district prohibiting uses permitted in the other district.

42.5 Application of Regulations. Except as hereinafter provided, no building or land shall hereafter be used, constructed, or altered unless in conformity with the regulations herein specified for the zoning district in which it is located. For single-family dwellings in any zone there shall be only one main building erected on each lot except that if lot size and frontage requirements can be met so that future subdivision would be possible, additional dwellings may be permitted on the same lot.

42.6 Definitions.

(a) In this ordinance the following terms, unless a contrary meaning is specifically prescribed in the ordinance, shall have the following meanings:

- (1) Accessory Building. A detached subordinate building located on the same lot, the use of which is incidental and subordinate to that of the main building or use of the land.
- (2) Accessory Use. A land use located on the same lot which is incidental and subordinate to the main building or use of the land.
- (3) Airport, Private. A place where aircraft can land and take off, including helicopter landing fields; privately owned and operated.
- (4) Airport, Public. A place where aircraft can land and take off, usually equipped with ancillary facilities and owned by a governmental entity; including helicopter landing fields.
- (5) Amusement Enterprise. An establishment engaged in providing amusement or entertainment for a fee or admission charge.
- (6) Auto and Truck Service Station. Automobile and truck service stations shall be deemed to refer to all gasoline service stations and/or filling stations including but not limited to, so-called self-service gas or filling stations.

- (7) Block Frontage. All the property fronting on one side of a street between the intersections of joining streets; or fronting on one side of a street between a street intersection, railroad, waterway, or city boundary; in all instances measured along the street line.
- (8) Building. Any structure having a roof and intended for the shelter, housing, or enclosure of persons, animals, or personal property.
- (9) Building Height. The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and to the mean height between eaves and ridge for gable, hip, and gambrel roofs.
- (10) Campground. A tract of land wherein sites are rented, leased, or purchased and used for temporary occupancy, only for recreational purposes, in tents, camping trailers, recreational vehicles, motor homes, or the like.
- (11) Cluster Development. A subdivision of land in which grouped lots of reduced dimensions are permitted in return for permanent protection of open space.
- (12) Cabin. A separate building containing a lodging unit consisting of a room or rooms with its own toilet facilities, and offered or to be offered as sleeping accommodations for transient guests for compensation.
- (13) Condominium. Real property involving unit ownership created pursuant to RSA 356-B wherein the undivided interest in common areas is vested in the unit owners. In accordance with RSA 356-B:5, the regulation of condominiums under this ordinance shall be based upon the form and type of structure, and not upon the form of ownership.
- (14) Contractors' Storage Yard. A use which involves outside storage of vehicles, equipment, and/or materials used in construction, maintenance, repair, or building projects.

- (15) Convalescent Home. A building where three (3) or more infirm or aged persons are housed for compensation and licensed by the State of New Hampshire, including a convalescent hospital, home for the aged, rest home, and similiar uses.
- (16) Court. An unoccupied open space other than a yard, on the same lot with a building, which is bounded on three (3) or more sides by the walls of such building.
- (17) Coverage. That percentage of the lot area covered by buildings.
- (18) Day Care Center. A State-licensed program of child care involving more than one (1) employee and more than six (6) children.
- (19) Drive-In-Business. A retail or service establishment catering to customers through window or counter service and designed for easy automobile access.
- (20) Dwelling. Any building designated or used as the place of residence for one or more families.
- (21) Dwelling Unit. A building or a portion thereof designed or used for one family.
- (22) Family. One or more persons occupying a dwelling unit and living as a single non-profit housekeeping unit.
- (23) Farm. Any parcel of land containing at least ten (10) acres which is used in raising of agricultural products, livestock, poultry, and dairy products, including necessary farm structures and storage of equipment used, excluding raising of fur bearing animals.
- (24) Filling Station. An establishment providing fuel, but not service or sales, for motor vehicles.
- (25) Frontage. The width of a lot measured along the line of a public street where the lot meets the right-of-way.

- (26) Gross Floor Area. The total horizontal area of all floors of a building included between surrounding walls.
- (27) Healthcare Activities and Facilities. Healthcare activities and facilities include: those that are provided to inpatients and outpatients, by or under the supervision of physicians, consultation, diagnostic, and therapeutic services for medical diagnosis, treatment, and care of injured, disabled, or sick persons; rehabilitation services for the rehabilitation of such persons; nursing homes, intermediate and extended care facilities; homes for the aged or infirm; health personnel training facilities; home health agencies; facilities for consultations, diagnosis, treatment, and services by persons or organizations properly licensed and authorized to provide healthcare treatment; and related facilities such as laboratories, outpatient departments, administrative service departments, central service facilities, and all such activities and facilities normally associated with and operated in connection with healthcare services.
- (28) Home Occupation. Any use conducted entirely within a dwelling or an accessory building which is clearly incidental and secondary to the use of the dwelling purposes and which does not change the character thereof, and in connection with which there is no outside display or storage, nor emission of dust, noise, fumes, vibration, or smoke beyond the lot line. Such home occupation shall not employ more than two (2) persons who are not members of the family nor occupy a floor area greater than twenty-five percent (25%) of the floor area of the dwelling unit. Goods sold at retail shall be those manufactured or assembled on the premises. Care of children in the home, provided that no more than six (6) children are cared for, shall be considered a home occupation. Signs for home occupations shall be in accordance with the provisions of Section 42.8 of this ordinance.
- (29) Hotel. A building or buildings containing lodging units consisting of a room or suite of rooms, each with separate toilet facilities and offered or to be offered as sleeping accommodations for transient guests for

compensation; also frequently including ancillary facilities such as dining areas, meeting rooms, and convenience shops.

- (30) Inn. A single structure affording accommodations such as lodging and/or food for transient guests.
- (31) Junkyard. A lot, land, or structure, or part thereof, used primarily for the collection, storage, and sale of wastepaper, rags, scrap metal, or discarded material.
- (32) Junkyard, Motor Vehicles. Any business and any place of storage or deposit, whether in connection with another business or not, which has stored or deposited two (2) or more unregistered motor vehicles which are no longer intended or in condition for legal use on the public highways, or used parts of motor vehicles or old iron, metal, glass, paper cordage, or other waste or discarded or second-hand material which has been a part, or intended to be a part, of any motor vehicle, the sum of which parts or material shall be equal in bulk to two (2) or more motor vehicles. Motor vehicle junkyards shall also include any place of business or storage or deposit of motor vehicles purchased for the purpose of dismantling the vehicles for parts or for use of the metal for scrap and where it is intended to burn materials which are parts of a motor vehicle or cut up parts thereof.
- (33) Kennel. A structure for the harboring of three (3) or more dogs that are more than six (6) months old.
- (34) Lodging House or Rooming House. A building in which three (3) or more rooms are rented with or without table board.
- (35) Lot. A parcel of land considered a unit which is occupied or capable of being occupied by a dwelling or dwellings and other buildings and structures accessory thereto, including open spaces.
- (36) Manufactured Housing. Any structure, transportable in one or more sections, which, in the traveling mode,

is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a single family habitation with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein.

- (37) Mobile Home. A form of manufactured housing which conforms with the definition in (36) above.
- (38) Mobile Home Park. Land upon which two (2) or more mobile homes are parked and occupied for living purposes, whether or not a charge is made for such accommodations.
- (39) Mobile Home Subdivision. An approved subdivision of two (2) or more lots designed to be occupied by mobile homes only where the lots will be sold rather than rented or leased.
- (40) Modular Home. A prefabricated dwelling more than fourteen (14) feet in width for over fifty percent (50%) of its length, brought to a site in two or more pieces, designed and constructed only for, and erected on, a permanent foundation and used as a dwelling for one (1) family.
- (41) Motel. A building or buildings containing lodging units consisting of a room or suite of rooms, each with a separate entrance and its own toilet facilities, and offered or to be offered as sleeping accommodations for transient guests for compensation.
- (42) Nonconforming Use. A structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is located.
- (43) Office. A room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government.

- (44) Professional Office in a Residence. An office for an accountant, architect, attorney, chiropractor, engineer, dentist, medical doctor, or any other similar professional.
- (45) Retail Store. A business which involves the display and sale to the general public of numerous and varied items, merchandise, and finished products.
- (46) Riding Academy. A use which involves the teaching of horseback riding skills and/or the rental of horses for riding purposes.
- (47) Screen or Screening. A strip of land at least ten (10) feet wide, densely planted (or having equivalent natural growth) with shrubs or trees at least four (4) feet high at the time of planting of a type that will form a year-round dense screen at least six (6) feet high within three (3) years; or an opaque wall, barrier, or fence of uniform appearance six (6) feet high and extending to within six (6) inches of ground level.
- (48) Service Establishment. A business which provides a service rather than a product to customers for compensation including appliance repair, clothes cleaning, and the like.
- (49) Sign. Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag or insignia of any government or governmental agency, or any civic, charitable, religious, patriotic, or fraternal organization.
- (50) Sign, Advertising. A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than on the premises or only incidentally on the premises.
- (51) Stable. A building designed or used for the boarding of horses or other animals for compensation.
- (52) Street. A public highway as defined in RSA 229:1, except a Class VI or discontinued highway; or a private

road within a subdivision as platted and recorded in the Strafford County Registry of Deeds, including the full width of the right-of-way.

- (53) Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.
- (54) Veterinary Hospital. A building designed or used in the practice of that branch of medicine dealing with the prevention and treatment of diseases and injuries in animals, especially domestic animals.
- (55) Yard. An unoccupied space open to the sky, on the same lot with a building or structure.
- (56) Yard, Front. A yard extending the full width of the lot and situated between the street and the front line of the building.
- (57) Yard, Rear. A yard extending the full width of the lot and situated between the main building and the rear lot line, except that not more than twenty-five percent (25%) of the area of the rear yard may be occupied by accessory buildings.
- (58) Yard, Side. A yard extending from the front yard to the rear yard and situated between the building and the side lot line. Any lot line not a rear line or a front line shall be deemed a side line.

42.7 Nonconforming Uses.

- (a) A nonconforming structure or use may be continued as it exists at the time of passage of this ordinance or as it existed at the time it was made nonconforming by passage of any amendment thereto.
- (b) Any nonconforming structure or part thereof declared unsafe by a proper authority may be restored to a safe condition.
- (c) Once changed to a conforming use, no building or land shall revert to a nonconforming use.

(d) The Board of Adjustment may approve the issuance of a building permit for any nonconforming use to be changed to another nonconforming use not substantially different in its purpose and manner of application and no more harmful or objectionable to the neighborhood.

(e) A nonconforming use which has been discontinued for a period of one (1) year shall not be resumed or replaced by any other nonconforming use. Discontinuance shall mean cessation of operations and removal of machinery and equipment.

(f) In any case where a building permit, under Section 42.26 of this ordinance and as required by any other applicable chapter of these ordinances, has been issued prior to the effective date of any amendment of this ordinance, for a building or structure which would not conform to the regulations of such amendment, such building or structure may be constructed or altered as a nonconforming building or structure as permitted by said building permit, provided such construction or alteration is commenced within six (6) months after issuance of such permit and is diligently prosecuted to completion.

(g) A nonconforming structure or use may not be expanded or enlarged.

42.8 Signs.

(a) General. All signs shall comply with the regulations for the erection and construction of signs contained in the Building Code of the City of Rochester and other applicable city regulations, except as shall be under the jurisdiction of New Hampshire RSA 236:69-89. Signs shall be permitted in accordance with the following regulations:

(b) Signs Permitted in Any R-1, R-2 Zone.

- (1) One professional nameplate. Maximum surface area: two (2) square feet.
- (2) One identification sign for each dwelling unit. Maximum surface area: two (2) square feet.
- (3) One identification sign for each membership club, funeral establishment, hospital, church, other place of public assembly, community facility, or public utility

use. Maximum surface area: twenty-four (24) square feet. Minimum set back: one-half required depth of front yard.

- (4) One unlighted temporary sign offering premises for sale or lease for each parcel in one ownership.
- (5) One unlighted temporary sign of an architect, engineer, or contractor erected during the period such person is performing work on the premises on which such sign is erected. Maximum surface area: thirty-two (32) square feet. Minimum set back: ten (10) feet from any street lot line.

(c) Signs Permitted in Any B-1, B-2 Zone.

- (1) Signs permitted in Section 42.8(b) subject to those same regulations for residential use in these zones.
- (2) Signs limited to those which aid identification, advertise goods, services, or products manufactured or offered for sale on the premises. General advertising signs in the form of billboards shall be prohibited.
- (3) One wall sign for lot street frontage of each establishment. Maximum surface area: five (5) square feet for each foot of building frontage. Maximum horizontal projection: eighteen (18) inches.
- (4) One projecting sign for each lot street frontage or each establishment. It shall be attached to the main wall of a building and not project horizontally beyond two (2) feet inside the curb line. Maximum surface area: forty (40) square feet. Minimum ground clearance: nine (9) feet. Maximum height: thirty (30) feet.
- (5) One pole sign for each lot street frontage of a drive-in establishment. Maximum surface area: 150 square feet. Minimum set back: ten (10) feet from the street lot line. Maximum height: thirty (30) feet.

(d) Signs Permitted in Any I-1, I-2, and I-3 Zone.

- (1) Wall signs permitted in Section 42.8(c) subject to the same regulations.

- (2) One ground sign for each establishment. Maximum surface area: 150 square feet. Minimum set back: fifteen (15) feet from any street lot line. Maximum height: thirty (30) feet.
- (3) Signs shall be limited in use to identification signs and those signs which advertise goods, services, or products manufactured or offered for sale on the premises.

(e) Signs Permitted in Any A Zone.

- (1) Signs permitted in an "A" district shall be subject to the provisions as stated in the previous sections, dependent upon the type of use with which they are connected.

(f) Additional Sign Regulations.

- (1) Any sign, if lighted, shall be illuminated internally by a luminous tube or by an indirect shielded white light.
- (2) The high point of roof signs shall not exceed ten (10) feet above the roof line.
- (3) Any traffic or directional sign owned or installed by a governmental agency shall be permitted.
- (4) Specifically excluded from these regulations are temporary interior window displays or temporary banners for drive-in establishments or automotive establishments, except as provided in (5) below.
- (5) Flashing or animated signs (including temporary interior window displays or banners) of red, amber, or green colored lights shall not be permitted.
- (6) No more than two (2) signs shall be allowed for any one business or industrial establishment in the "B," "I," and "A" districts. A modular type sign is considered to be a single sign.
- (7) No more than one (1) sign shall be allowed for each dwelling unit in the "R-1" and "R-2" districts.

- (8) The limitations as to the number of signs permitted does not apply to traffic or directional signs which are necessary for the safety and direction of residents, employees, customers, and visitors, whether in a vehicle or on foot, for any business, industry, or residence.
- (9) All political signs, including posters, are considered to be temporary. They shall not be erected until thirty (30) days prior to any election and shall be removed within fifteen (15) days of the state general and/or local election. The maximum surface area shall not exceed thirty-two (32) square feet in all zones. Attaching signs and/or posters to utility poles shall be prohibited. The candidate or candidates whose name(s) appear on any such signs shall be responsible for their proper location, erection, and removal.
- (10) The area and location of signs used in conjunction with uses allowed by the Board of Adjustment as special exceptions shall also be approved by the Board of Adjustment and shall conform to the sign regulations for the district in which they are located. The area and location of such signs shall be in harmony with the character of the neighborhood in which they are located.
- (11) No sign, except for political signs, shall be erected until a permit for same has been obtained from the Building Inspector.

42.9 Off-Street Parking and Loading.

(a) Off-Street Parking - General Provisions.

- (1) In any district, if any structure is constructed or enlarged or if any use of land is established or changed, off-street parking spaces shall be provided for the use in accordance with the minimum parking requirements in Section 42.9(b). In the case of an enlarged or expanded structure or use, the minimum parking requirements shall apply only to that portion of the structure or use which is enlarged or expanded.
- (2) For parking requirements in the Special Downtown District, see Section 42.22(b).

- (3) Where public parking is available within four hundred (400) feet of a structure or use, the specific parking requirements may be determined by the Building Inspector on an individual basis.
- (4) For any use other than one specifically mentioned in Section 42.9(b), the parking requirements shall be as for closest similar use as determined by the Building Inspector.
- (5) In the case of two uses on one lot, the requirements for parking and loading spaces shall be the sum of the requirements of the various uses computed separately. The space computed for one use shall not be used to provide the requirements of any other use. Required loading areas shall not be included as parking.
- (6) Where a principal use on a lot is not enclosed in a building, the specific portion of the lot so used shall be considered gross floor area for calculating parking requirements.
- (7) All automobile parking areas shall be reviewed according to the minimum design standards in Section 42.9(c).

(b) Off-Street Parking - Minimum Requirements.

- (1) Single-Family and Two-Family Dwelling: Two (2) spaces per dwelling unit.
- (2) Multi-Family Dwelling: Two (2) spaces per dwelling unit.
- (3) Lodging or Rooming House: One (1) space per sleeping room plus one (1) space per three (3) employees.
- (4) Hotel, Motel, Inn, Cabin: One (1) space per sleeping room plus one (1) space per three (3) employees plus one (1) space per 75 square feet of public meeting space. Additional spaces are required for other uses (such as restaurants, retail space, etc.) occupying over 100 square feet of floor area.

- (5) Retail Commercial and Service Use: One (1) space per 200 square feet of sales area plus one (1) space per 600 square feet of gross floor area of storage.
- (6) Restaurant (Excluding Fast-Food Establishment): One (1) space per three (3) seats, plus one (1) space per two (2) employees; or, one (1) space per 150 square feet of floor area used, whichever is greater. Where there is a bar, add one (1) space per two (2) stools.
- (7) Fast-Food Establishment: One (1) space for every two (2) seats plus one (1) per each employee in the maximum shift; or, one (1) space per 500 square feet of gross floor area, plus one (1) space per each employee in the maximum shift, whichever is greater.
- (8) Office (General): One (1) space per 200 square feet of gross floor area or one and one-half (1 ½) spaces per each professional and staff member, whichever is greater.
- (9) Office (Medical - Doctor, Dentist, Chiropractor, etc.): One (1) space per 100 square feet of gross floor area; or, five (5) spaces per professional person keeping of office and one (1) per each staff member, whichever is greater.
- (10) Funeral Home: A minimum of twenty (20) spaces plus ten (10) additional spaces for each chapel or viewing room in excess of one (1).
- (11) Auto and Truck Service Station: Three (3) spaces for each service bay plus one (1) space per employee in the maximum shift.
- (12) Hospital, Convalescent, or Rest Home: One and one-half (1 ½) spaces per bed at design capacity.
- (13) Theater, Auditorium, Church or Similar Place of Public Gathering: One (1) space for each four (4) seats of total seating capacity.
- (14) Private Recreational Facility: One (1) space for each 400 square feet of gross floor area.

- (15) Fraternal Club and Lodge: One (1) space per three (3) persons allowed by maximum standard; or, one (1) space per 75 square feet of assembly room space, whichever is greater.
- (16) Wholesale Distribution, Warehouse: One (1) space per 800 square feet of gross floor area; or, one (1) space per employee in the maximum shift, whichever is greater.
- (17) Industrial, Manufacturing: One (1) space per each 1.5 employees on the largest shift; or, one (1) space per 600 square feet of gross floor area, whichever is greater.

(c) Minimum Parking Design Standards.

MINIMUM PARKING DESIGN STANDARDS*

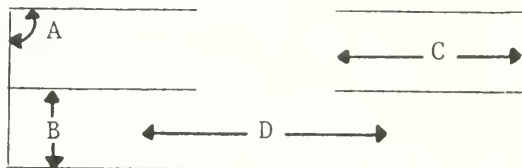
A Angle to Drive	B Minimum Stall Width	C Minimum Stall Length	D Minimum Aisle Width
0°	8	22	15
45°	9	18	15
60°	9	18	18
90°	9	18	22

A = Angle to Drive

B = Stall Width

C = Stall Length

D = Aisle Width



[*Does not apply to parking areas for single and two-family residences.]

(d) Off-Street Loading - Minimum Requirements.

- (1) In the commercial or industrial zones when any use having a floor area of 10,000 square feet or more is

constructed or enlarged, one (1) off-street loading space shall be provided, plus one (1) additional space for each additional 20,000 square feet of gross floor area in the new or enlarged building area.

- (2) Each loading space shall contain at least 1,000 square feet which includes space for maneuvering.

(e) Parking and Loading Specifications. All required off-street parking and loading areas shall be located either within structures or subject to the following specifications:

- (1) They shall be effectively screened on each side which faces or adjoins the front, side, or rear property line of any residential lot, as per definition of screening.
- (2) All parking and loading areas and access driveways thereto shall have a dust-free surface and shall have a system for handling storm water adequate for the type of construction of the area. Curbing shall be subject to review and recommendation by the Department of Public Works and approval by the Planning Board.
- (3) A substantial wheel stop or guardrail shall be placed near all lot lines so that vehicles do not overhang the adjoining property.
- (4) Illumination fixtures, if any, shall be so arranged as to direct the light away from streets and away from adjoining premises.
- (5) There shall not be any storage of material or equipment in the parking area except: (a) temporarily as part of approved building construction operations; or, (b) for the placement of trash dumpsters or receptacles.
- (6) Parking for uses other than residential purposes shall not be located within the required front of side yard areas in any residential district. In other districts, parking in the front yard area shall not be closer than ten (10) feet from any street right-of-way line.
- (7) Driveways shall be at least fifty (50) feet from the point of intersection of the curb lines of intersecting streets.

- (8) The location, number, and width of driveways or entrances and exits shall be subject to the approval of the Planning Board.

42.10 Fences.

(a) No fence shall be erected that exceeds six (6) feet in height unless approved by the Board of Adjustment.

(b) The finish side of a fence shall face outward from the property on which the fence is located. The side of a fence containing the posts or poles and other bracing appurtenances shall face inward to the property being fenced in or on which the fence is located.

(c) When erected near a property or lot boundary line, all of the fence and any of its supporting structures or appurtenances shall be contained within the lot or property of the person erecting or having erected said fence.

(d) No fence shall be erected prior to obtaining a permit for same from the Building Inspector.

42.11 Earth Removal. There shall be no excavation or removal of earth, loam, topsoil, gravel, clay, or stone except in conformance with the provisions of RSA 155-E as amended or as may be hereafter amended, which is incorporated herein by reference. Such excavation shall require a special exception by the Board of Adjustment as specified in Section 42.23(a)(16) of this ordinance.

42.12 Performance Standards.

(a) Purpose of Performance Standards.

It is the intent of these performance standards in the control of uses to: permit potential nuisances to be measured factually and objectively; to ensure that all uses will provide methods to protect the community from hazards and nuisances which can be prevented by processes of control and nuisance elimination; and to protect uses from arbitrary exclusion or regulation based solely on the nuisance production by any particular type of use in the past.

(b) Application of Performance Standards.

- (1) Any use established or changed to, and any building, structure, or tract of land developed, constructed, or used for any permitted principal or accessory use shall comply with all of the performance standards herein set forth.
- (2) If any existing use or building or other structure is extended, enlarged, moved, structurally altered or reconstructed, or any existing use of land is enlarged or moved, the performance standards shall apply with respect to such extended, enlarged, moved, structurally altered or reconstructed building or other structure or portion thereof, and with respect to any land use which is enlarged or moved.
- (3) At the request of the Building Inspector, an applicant shall submit appropriate data at the time of application for a building permit to substantiate that the performance standards will not be violated when the use is put into operation.

(c) Performance Standards.

(1) Noise.

All noise shall be muffled so as not to be objectionable due to intermittance, beat frequency, or shrillness. Noise shall be measured with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4 - 1983) "Specification for Sound Level Meters," or as amended. The instrument shall be set to the A-weighted response scale and the meter to the slow response. Measurements shall be conducted in accordance with current ANSI guidelines for the measurements of sound.

The sound pressure level of noise radiated continuously from a facility shall not exceed 62 dB(A) at the lot line. An allowance of 2.5 decibels will be permitted for instrument calibration and operator variance.

The following correction factors to the maximum permitted weighted sound pressure level shall be applied when appropriate:

<u>Type of Operation or Character of Noise</u>	<u>A Scale Correction in Decibels*</u>
Noise source operates less than 20% of any one hour period.	Plus 5
Noise source operates less than 5% of any one hour period.	Plus 10
Noise source operates less than 1% of any one hour period.	Plus 15
Noise of impulsive character. (Hammering, etc.)	Minus 5
Noise of periodic character. (Hum, screech, etc.)	Minus 5

*Apply one of these corrections only.

Such noise levels generated beyond the property line of any facility shall not be the responsibility of the property owner.

(2) Vibration

No vibration shall be produced which is transmitted through the ground and is discernable without the aid of instruments at or at any point beyond the lot line; nor shall any vibration produced exceed 0.0002g peak measured at or beyond the lot line using seismic or electronic vibration measuring equipment.

(3) Odors

Any condition or operation which results in the creation of odors of such intensity and character as to be detrimental to the health and welfare of the public or which interferes unreasonably with the comfort of the public shall be removed, stopped, or so modified as to remove the odor.

(4) Glare

No operation or activity shall be conducted so as to

cause or create excessive glare. Any operation or activity producing glare shall be conducted so that direct or indirect illumination from the source of light shall not cause illumination in excess of 1.0 foot-candles on any abutting single family residential property.

(5) Heat

There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

(6) Fire and Explosion

All activities involving flammable and explosive materials, including storage, shall be provided with adequate safety and fire fighting devices in accordance with adopted City codes.

(7) Waste Disposal

(A) No processed waste material or refuse shall be dumped upon or permitted to remain upon any part of any property outside of the building constructed thereon unless in compliance with regulations promulgated by the New Hampshire Water Supply & Pollution Control Commission, the New Hampshire Department of Public Health Services, and the City of Rochester. This provision shall not apply to properly licensed junkyards.

(B) A use whose process or manufacture produces waste, including but not limited to hazardous materials, shall provide for the treatment and effective disposal of such waste in compliance with regulations promulgated by the New Hampshire Water Supply & Pollution Control Commission, the New Hampshire Department of Public Health Services, and the City of Rochester.

(8) Air Pollution

Emissions into the atmosphere shall not exceed the limits set by, and shall meet the regulations and standards of, the New Hampshire Air Pollution Control Agency.

(9) Sewage Disposal

All sewage disposal shall be in conformance with the rules and regulations of the New Hampshire Water Supply & Pollution Control Commission.

(d) Administration of Performance Standards.

Where determinations can reasonably be made by the Building Inspector or other City employees, using equipment and personnel normally available to the City, such determinations shall be so made before notice of violation is issued. Where technical complexity or expense make it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures are herein set forth:

(1) Administration Where City Can Make Determination

Where determination of violation of performance standards can be made by the Building Inspector or other duly designated City employees using equipment and personnel available to the City, determination of violation shall be made; and the Building Inspector shall take or cause to be taken lawful action as provided by this ordinance to eliminate such violation. Failure to obey lawful orders concerning cessation of violation shall be punishable as provided in this ordinance.

(2) Administration Where Measurement Requires Highly Skilled Personnel and Expensive Instrumentation

Where determination of violation of performance standards entails the use of highly skilled personnel and expensive instrumentation not ordinarily available to the City and when, in the considered judgment of the Building Inspector a violation exists, the procedure shall be as follows:

- (A) Notice. The Building Inspector shall give written notice, by certified mail, return receipt requested, to those responsible for the alleged violation. Such notice shall describe the particulars of the alleged violation and the

reasons why the Building Inspector believes there is a violation, and shall require an answer or a correction of the alleged violation to the satisfaction of the Building Inspector within thirty (30) days of receipt of notice, unless a shorter time limit is specified. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Building Inspector within the time limit set above constitutes admission of violation. The notice shall further state upon request of those to whom it is directed, technical determinations as to compliance with the appropriate portions of this ordinance will be made, and that if violation as alleged is found, costs of the determinations will be charged against those responsible in addition to such other penalties as may be appropriate, and that if it is determined that no violation exists, costs of the determinations will be paid by the City.

- (B) Correction of Violation Within Time Limit.
If, within the time limit set, there is no reply but the alleged violation is corrected to the satisfaction of the Building Inspector, he shall note "Violation Corrected" on his copy of the notice and shall retain it among his records, taking such other action as may be warranted by the circumstances of the case.
- (C) No Correction; No Reply. If there is no reply within the time limit set (thus establishing admission of violation as provided in (A) above) and the alleged violation is not corrected to the satisfaction of the Building Inspector within the time limit set, he shall take or cause to be taken such action as warranted by the continuation of an admitted violation after notice to cease.
- (D) Reply Requesting Extension of Time. If a reply is received within the time limit set indicating that an alleged violation will be corrected to the satisfaction of the Building Inspector, but

that more time is required than was granted by the original notice, the Building Inspector may grant an extension of time, if he deems such extension warranted in the circumstances of the case, and if such extension will not, in his opinion, cause imminent peril to life, health, or property. In acting on such requests for extension of time, the Building Inspector shall in writing state his reasons for granting or refusing to grant the extension and shall transmit the same by certified mail, return receipt requested, to those to whom original notice was sent.

(E) Reply Requesting Technical Determination.

If a reply is received within the time limit set requesting technical determinations as to compliance with the appropriate provisions of this ordinance and if the alleged violations continue, the Building Inspector may call in properly qualified experts to make the determinations. If expert findings indicate violation of the performance standards, the costs of the determinations shall be paid by the persons responsible for the violations, in addition to such other penalties as may be appropriate under the terms of this ordinance. If no violation is found, costs of the determination shall be paid by the City.

42.13 Zoning District Regulations - General. In each zoning district, land, buildings, and other structures shall be utilized only as set forth in Section 42.14, Permitted Uses - Table I. Uses designated "Y" on the table shall be permitted as a matter of right. Those uses identified "E" shall be permitted only as a special exception granted by the Board of Adjustment in accordance with the provisions of Section 42.23. A use denoted "N" shall not be allowed in that district. Any use not specifically listed shall be included in that category deemed most similar by the Building Inspector. Special conditions governing certain uses are more fully described in Section 42.15, Permitted Uses - Detail, and in Section 42.23(c), Special Exceptions - Detail. Those uses which have special conditions attached are indicated by a notation in the right-hand column of the table.

The following zoning district designations are used in Table I:

A	-	Agricultural Zone
R-1	-	Residence 1 Zone
R-2	-	Residence 2 Zone
B-1	-	Business 1 Zone
B-2	-	Business 2 Zone
I-1	-	Industry 1 Zone
I-2	-	Industry 2 Zone
I-3	-	Industry 3 Zone
H	-	Hospital Zone

The following additional zoning districts are treated as overlay districts with additional regulations modifying those of the districts over which they are superimposed:

AA	-	Airport Approach Zone
W	-	Wetland Conservation Zone
F	-	Regulatory Floodway Zone
AP	-	Aquifer Protection Zone
SD	-	Special Downtown District

42.14 Permitted Uses - Table 1.

ZONING DISTRICTS

USES	A	R1	R2	B1	B2	I1	I2	I3	H	DETAIL
(a) Residential Uses										
(1) Single-Family Dwelling	Y	Y	Y	Y	Y	N	N	N	N	
(2) Two-Family Dwelling	Y	N	Y	Y	Y	N	N	N	N	
(3) Multi-Family Dwelling	Y	N	Y	Y	Y	N	N	N	N	
(4) Lodging or Rooming House, Group or Shared Home	E	N	Y	Y	Y	N	N	N	N	
(5) Hotel, Motel	E	N	N	Y	Y	E	E	E	N	42.23(c)(3)
(6) Inns, Cabins, Transient Lodgings	E	N	N	Y	Y	N	N	N	N	42.23(c)(3)
(7) Cluster Development	Y	N	N	N	N	N	N	N	N	42.24
(8) Mobile Home	Y	N	N	N	N	N	N	N	N	42.15(f)
(9) Mobile Home Park or Subdivision	Y	N	N	N	N	N	N	N	N	42.15(g)
(10) Modular Home	Y	Y	Y	Y	Y	N	N	N	N	
(11) Accessory Building or Use	Y	Y	Y	Y	Y	N	N	N	N	

ZONING DISTRICTS

USES	A	R1	R2	B1	B2	I1	I2	I3	H	DETAIL
<u>(b) Commercial Uses</u>										
(1) Retail Store - Sale of Goods First Hand	N	N	N	Y	Y	E	E	Y	N	42.23(c)(22)
(2) Grocery or Variety Store Not More Than 1,000 sq. ft.	N	E	E	Y	Y	N	N	Y	N	42.23(c)(6)
(3) Second Hand and Antique Shops	E	N	E	Y	Y	N	N	Y	N	42.23(c)(10)
(4) Manufacture of Goods Sold at Retail	N	N	N	Y	Y	N	N	Y	N	42.15(d)
(5) Monument Sales	N	N	N	N	E	N	N	E	N	42.23(c)(15)
(6) Office	E	N	E	Y	Y	E	E	Y	N	42.23(c)(8)
(7) Professional Office in Residence	Y	Y	Y	Y	Y	N	N	N	N	42.15(c)
(8) Service Establishment	N	N	N	Y	Y	N	N	Y	N	
(9) Restaurant	E	N	N	Y	Y	E	E	Y	N	42.23(c)(23)
(10) Bank (Including Drive-In Facility)	N	N	N	Y	Y	N	N	Y	N	
(11) Laundry	N	N	N	E	Y	N	N	Y	N	42.23(c)(14)
(12) Self-Service Laundry	N	N	N	Y	Y	N	N	Y	N	
(13) Drive-In Business, Service in Cars	N	N	N	N	Y	N	N	Y	N	
(14) Funeral Home	N	N	E	Y	Y	N	N	Y	N	42.23(c)(9)
(15) Carpentry, Cabinet, Upholstery, Sheet Metal and Sign Painting Shop	E	N	N	E	Y	N	N	Y	N	
(16) Filling Station	E	N	N	E	Y	N	N	Y	N	42.23(c)(11)
(17) Auto and Truck Service Station, Sales, Repair or Storage	E	N	N	N	Y	N	N	Y	N	
(18) Home Occupation	Y	Y	Y	Y	Y	N	N	N	N	
(19) Accessory Building or Use	Y	Y	Y	Y	Y	N	N	Y	N	
<u>(c) Agricultural/Recreation Uses</u>										
(1) Farm	Y	Y	Y	Y	Y	N	N	N	N	42.15(a)
(2) Roadside Stand, Sale of Farm Products	Y	N	N	N	E	N	N	N	N	42.15(b) and 42.23(c)(10)
(3) Pig Farm	E	N	N	N	N	N	N	N	N	42.23(c)(1)

ZONING DISTRICTS

USES	A	R1	R2	B1	B2	I1	I2	I3	H	DETAIL
<u>(c) Agricultural/Recreation Uses</u>										
(4) Fur Ranch	E	N	N	N	N	N	N	N	N	42.23(c)(2)
(5) Veterinary Hospital, Kennel	Y	N	N	N	N	N	N	N	N	
(6) Flower and Plant Nursery and Greenhouse	Y	N	N	N	Y	N	N	N	N	
(7) Amusement Enterprise	N	N	N	E	E	N	N	N	N	42.23(c)(12)
(8) Recreation Area, Day Camp	Y	N	N	E	E	N	N	N	N	
(9) Theater/Place of Public Assembly	E	N	N	Y	Y	N	N	N	N	
(10) Drive-In Theater	E	N	N	N	N	N	N	N	N	42.23(c)(5)
(11) Stable and Riding Academy	Y	N	N	N	N	N	N	N	N	
(12) Campground	E	N	N	N	E	N	N	N	N	
(13) Accessory Building or Use	Y	Y	Y	Y	Y	N	N	N	N	
<u>(d) Public/Institutional Uses</u>										
(1) Government Building	E	E	E	E	E	N	N	N	N	42.23(c)(18)
(2) Cemetery	E	E	E	E	E	N	N	N	N	42.23(c)(18)
(3) Fraternal Club and Lodge	N	N	N	E	E	N	N	E	N	
(4) Radio or TV Station or Transmitter	E	E	E	E	E	E	E	E	N	42.23(c)(19)
(5) Public Utility Lines, Station, Building	E	E	E	E	E	E	E	E	E	42.23(c)(19)
(6) Airport, Public	E	E	E	E	E	E	E	E	E	42.23(c)(20)
(7) Airport, Private	E	N	N	N	E	E	E	N	E	42.23(c)(21)
(8) Hospital	N	N	N	N	N	N	N	N	Y	
(9) Convalescent or Rest Home	Y	E	E	N	N	N	N	N	Y	42.15(h) and 42.23(c)(7)
(10) Healthcare Activities and Facilities	N	N	N	N	N	N	N	N	Y	
(11) Philanthropic and Charitable Inst.	Y	N	Y	Y	Y	N	N	N	N	
(12) Public or Private School	Y	Y	Y	Y	Y	N	N	N	N	
(13) Day Care Center	Y	N	Y	Y	Y	N	N	N	N	

ZONING DISTRICTS

USES	A	R1	R2	B1	B2	I1	I2	I3	H	DETAIL
<u>(d) Public/Institutional Uses</u>										
(14) Church	Y	Y	Y	Y	Y	N	N	N	N	
(15) Park and Playground	Y	Y	Y	Y	Y	N	N	N	N	
(16) Accessory Building or Use	Y	Y	Y	Y	Y	N	N	N	N	
<u>(e) Industrial Uses</u>										
(1) Industry, Research, Testing	N	N	N	N	N	Y	Y	Y	N	42.15(e)
(2) Wholesale or Storage Warehouse	N	N	N	N	Y	Y	Y	Y	N	
(3) Motor Vehicle Junkyard	E	N	N	N	N	N	E	N	N	42.23(c)(4)
(4) Junkyard	E	N	N	N	N	N	E	N	N	42.23(c)(4)
(5) Gravel Processing Plant	E	N	N	N	N	N	E	N	N	
(6) Truck Terminal, Bus Garage	N	N	N	N	Y	Y	Y	Y	N	
(7) Contractors' Storage Yard	Y	N	N	N	Y	Y	Y	Y	N	
(8) Feed and Fuel Storage and Sales	N	N	N	N	E	Y	Y	Y	N	42.23(c)(13)
(9) Bottling Works	N	N	N	N	E	Y	Y	Y	N	42.23(c)(13)
(10) Ice Cream Manufacture	N	N	N	N	E	Y	Y	Y	N	42.23(c)(13)
(11) Sawmill	Y	N	N	N	N	Y	Y	Y	N	
(12) Earth Excavation	E	E	E	E	E	E	E	E	E	42.23(c)(16)
(13) Accessory Building or Use	N	N	N	N	Y	Y	Y	Y	N	

42.15 Permitted Uses - Detail. The below-listed descriptions are not to be interpreted as definitions, but rather as extensions, restrictions, or examples of the permitted uses as listed in Table 1.

(a) Farm. Agricultural Zone: excluding fur ranching and farms raising more than ten (10) swine. All other zones: no buildings or pens for housing livestock or storage of manure shall be within two hundred (200) feet of any side or rear lot line.

(b) Roadside Stand. For the sale of farm products raised on the premises.

(c) Professional Office in Residence. In the R-1 Zone: in accordance with the same provisions under which a home occupation is allowed [see definition of "home occupation" in Section 42.6(a)(28)].

(d) Manufacture of Goods Sold at Retail on the Premises. Such as bakeries, print shops (including newspapers) and the like.

(e) Industrial Uses in the Industrial Zone. Outside storage of goods shall not exceed more than fifty percent (50%) of the lot coverage by buildings and shall be suitably screened from view from the public highway or adjoining residential or commercial zones by appropriate fencing, grading, or landscaping.

(f) Mobile Homes. Mobile homes may be located only on individual lots or on lots in mobile home parks or mobile home subdivisions in the Agricultural Zone.

(g) Mobile Home Park. A parcel of land designed to accommodate two (2) or more mobile homes laid out in accordance with the standards contained in the Rochester Mobile Home Park Ordinance. Mobile homes in a mobile home park shall not be required to be placed on permanent foundations.

(h) Convalescent or Rest Home in the Agricultural and Hospital Zones. In addition to the minimum lot size, an additional 2,000 square feet of land area for each patient bed is required.

42.16 Dimensional Regulations - Table 2. Minimum lot area, frontage, yard requirements, distance of buildings from one another, and maximum lot coverage shall be as prescribed in Table 2. The notation "public facility" refers to the presence of City water and/or City sewer.

DIMENSIONAL REGULATIONS - TABLE 2

DISTRICT	Minimum Lot Area			Min. Area Per Added DU		min. frontage	min. front yard	min-side yds. tot. for both	min. side yard	min. rear yard	min. dist. of bldgs. from other/story	max. lot coverage
	with no public facil.	with 1 public facil.	with 2 public facil.	w/ both public facil.	w/ 1 or no public facil.							
Agricultural	40,000	30,000	20,000	10,000	30,000	100	25	25	10	25	10	30%
Residence 1	40,000	30,000	10,000	NA	NA	100	25	15% of tot. width	10	25	10	30%
Residence 2	40,000	30,000	6,000	6,000	30,000	60	15	16	8	25	10	30%
Business 1 residential use	R	R	R	1,000	NA	R	F	S	S	25	6	75%
non-residential use	R	R	R	R	R	R	F	S	S	25	6	R
Business 2 residential use	40,000	30,000	6,000	6,000	10,000	60	15	16	8	25	10	40%
non-residential use	R	R	R	R	R	R	F	S	S	25	6	50%
Industry 1	40,000	30,000	20,000	NA	NA	100	25	20	10	25	10	40%
Industry 2	40,000	30,000	20,000	NA	NA	R	R	S	S	25	6	60%
Industry 3	40,000	30,000	20,000	NA	NA	100	25	20	10	25	6	60%
Hospital	R	R	R	NA	NA	R	R	20	10	25	10	60%

DU: Dwelling Unit

NA: Not Allowed

R: No Regulation

S: No regulation except that where adjoining a Residential Zone, side yard shall equal that requirement in the Residential Zone; any wall that is not a party wall requires a six (6) foot side yard with access for fire fighting.

F: None required, except where frontage between two intersecting streets is partly Residential and partly Business; minimum front yard in Business district shall equal that required in Residential district.

NOTE: Any interior court shall have a width and depth each not less than the average height of the walls facing the court.

42.17 Dimensional Regulations - Detail. For the purposes of interpreting Table 2, the following subsections shall apply:

(a) Lot Size. Where a lot in separate ownership at the time of passage of this ordinance does not conform to the area and width requirements of the zone in which it is located, such lot may be occupied by any use permitted in that zone provided it conforms to front, side, and rear yard requirements.

If a parcel of land contains an area and frontage greater than the area and frontage of the zone in which it is located and if after such parcel is divided into as many conforming lots as is permitted, there remains a lot with an area 75% or more of the area required for the zone in which it is located and with a frontage greater than 75% of the frontage of the zone in which it is located, such remaining lot may be occupied by any use permitted in a zone in which it is located.

(b) Where more than one use is allowed on a lot, the required lot size shall be the cumulative total of areas required by the primary use and all other uses. The primary use shall be the use which requires the greatest minimum lot area. All additional uses other than the primary use shall be required to meet the minimum lot area as established for additional dwelling units on Table 2.

(c) Front Yard. Where lots comprising fifty percent (50%) or more of the block frontage have been developed, the average of the front yard of the developed frontage shall establish the minimum front yard depth, but no front yard shall be less than ten (10) feet nor shall a front yard of more than twenty-five (25) feet be required.

(d) Side Yards on Corner Lots in Residential or Agricultural Zones or on Any Corner Lots Adjoining Residential or Agricultural Zones. The side yard on the street side of a corner lot shall be not less than twelve (12) feet. No building in the rear yard of a corner lot shall be located within (8) feet of the side yard of an adjoining lot or within twelve (12) feet of any street line.

(e) Height. In any zone, required yards shall be increased by one (1) foot for each foot buildings exceed thirty-five (35) feet in height, except such requirement shall not apply to silos, spires, cupolas, chimneys, water tanks, and similar mechanical features carried above the roof tile.

42.18 Airport Zoning.

(a) Definitions. As used in this section of the ordinance, unless the context otherwise requires:

- (1) Airport means any area of land or water, whether constructed or not, which has been approved as a site for landing and taking off of aircraft or utilized by the public as a point of arrival or departure by air, hereinafter referred to as Skyhaven Airport.
- (2) Airport Approach Zone means:
 - (A) For Runway 33, an area which is 1,000 feet wide at a point 200 feet from the end of the pavement and 4,000 feet wide at a point 10,200 feet from the end of the pavement, or future pavement extended.
 - (B) For Runway 15, an area which is 1,000 feet wide at a point 200 feet from the end of the pavement and 1,500 feet wide at a point 5,200 feet from the end of the pavement, or future pavement extended.

The center line of these areas shall coincide with the center line of the landing strips extended.
- (3) Airport Hazard means any structure, tree, smoke, steam, dust, or other substance which obstructs the aerial approaches of Skyhaven Airport or impairs the reasonable visibility in the vicinity thereof, electrical impulses and disturbances which interfere with radio aids or communications, and lights which might result in glare in the vision of pilots or aircraft or be confused with airport lights.
- (4) Nonconforming Use means any structure, tree, or use of land which does not conform to a regulation prescribed in this ordinance or an amendment thereto as of the effective date of such regulations.
- (5) Person means any individual, firm, co-partnership, corporation, company, association, joint stock

association, or body politic, and includes any trustee, receiver, assignee, or similar representative thereof.

- (6) Structure means any object constructed or installed by man, including such objects although regulated or licensed by other provisions of law.
- (7) Tree means any object of natural growth.
- (8) Building Restriction Line means a line parallel to the centerline of the runway which limits the location of any permanent structure. The location of the BRL is shown and described on the Airport Layout Plan.

(b) Zones. In order to carry out the purposes of this ordinance, all of the land within the boundaries of the approach zones and all of the land within a distance of twelve thousand (12,000) feet from the airport reference point shown on the Rochester Airport Approach Plan dated December 16, 1983 [attached hereto and made a part hereof], is hereby declared subject to the restrictions of the ordinance.

(c) Height Limits. No structure or tree shall be erected, altered, or allowed to grow within the areas described in Section 42.18(b) hereof, above a slope ratio of thirty-four (34) feet to one (1) foot measured from the end of Runway 33 or a ratio of twenty (20) feet to one (1) foot measured from the end of Runway 15 or above a slope ratio of seven (7) feet to one (1) foot measured from the side of the landing strips and the approaches, or within an ellipse formed by connecting the ends of two semi-circles having radii of 10,000 feet from points located 200 feet beyond the ends of pavement on centerline extended at each end of Runways 15/33 above a height of one hundred fifty (150) feet above the airport elevation; except that the Zoning Board of Adjustment shall have the power to grant a variance of this regulation where literal application or enforcement of the same would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of the ordinance.

(d) Use Restrictions. Notwithstanding any other provisions of the Zoning Ordinance, no use may be made of the land described in Section 42.18(b) hereof in such manner as to

create electrical interference with radio aids or communications between airport and aircraft, make it difficult for flyers to distinguish between airport lights and others, result in glare in the eyes of flyers using the airport, impair visibility in the vicinity of the airport by the creation and discharge of smoke, steam, dust, or other obstructions to visibility, or otherwise endanger the landing, taking off, or maneuvering of aircraft.

(e) Nonconforming Uses. The regulations prescribed in Sections 42.18(c) and 42.18(d) hereof shall not be construed to require the removal, lowering, or other change or alteration of any structure or tree not conforming to the regulations as of the effective date hereof, or otherwise interfere with the continuance of any non-conforming use. Nothing herein contained shall require any change in the construction, alteration, or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this ordinance, and is diligently prosecuted and completed within two (2) years thereof.

(f) Variances. Any person desiring to erect any structure or increase the height of any structure, or permit the growth of any tree, or use his property not in accordance with the regulations prescribed in this amendment, may apply for a variance therefrom. Such variance shall be allowed where a literal application of enforcement of the regulations would result in practical difficulty or unnecessary hardship and the relief granted would not be contrary to the public interest but do substantial justice and be in accordance with the spirit of this ordinance.

(g) Permits.

- (1) Future Uses. No material change in violation of Sections 42.18(c) and 42.18(d) hereof shall be made in the use of land, and no structure or tree shall be erected, altered, planted, or otherwise established in violation of Sections 42.18(c) and 42.18(d) hereof, unless a permit therefore shall have been applied for and granted. Each such application shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined whether the resulting use, structure, or tree would conform to the regulations herein prescribed. If such determination is in the

affirmative, the permit applied for shall be granted.

- (2) Existing Uses. Before any existing use, structure, or tree may be replaced, substantially altered, repaired or rebuilt, allowed to grow higher, or replanted, within any of the areas of land described in Section 42.18(b) hereof, a permit must be secured authorizing such replacement, change, or repair if it is in violation of Sections 42.18(c) and 42.18(d) hereof. No such permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure, or tree to be made or become a greater hazard to air navigation, than it was on the effective date of this ordinance, or than it is when the application for a permit is made. Except as indicated, all applications for a permit for replacement, change, or repair of existing use, structure, or tree shall be granted.

(h) Hazard Marking and Lighting. Any permit or variance granted under Sections 42.18(f) and 42.18(g) may, if such action is deemed advisable to effectuate the purposes of this ordinance and reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the airport owner at its own expense, to install, operate, and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

(i) Zone Map. A copy of said approach zone map shall become a part of the Zoning Map of the City of Rochester, New Hampshire.

ROCHESTER, SKYHAVEN AIRPORT APPROACH PLAN

Adopted by New Hampshire Aeronautics Commission

April 1, 1968

Revised December 16, 1983

- (1) This Airport Approach Plan, prepared under the authority of Chapter 424:3 of the New Hampshire Revised Statutes Annotated, is based upon the ultimate development of a General Aviation Type Airport with runway and landing strip as follows:

- (A) Runway 5,400 feet by 100 feet;
Landing Strip 5,800 feet by 300 feet.
- (2) Part 77, Federal Aviation Regulations establishes the standards used to determine the limit of height of obstructions in the vicinity of the airport.
- (3) The limit of height of obstructions shall be:
 - (A) In the approach area to the landing strip for Runway 33, which is 1,000 feet wide at a point 200 feet from the end of the pavement and 4,000 feet wide at a point 10,200 feet from the end of the pavement, an inclined plane of 34:1 slope.
 - (B) In the approach area to the landing strip for Runway 15, which is 1,000 feet wide at a point 200 feet from the end of the pavement and 1,500 feet wide at a point 5,200 feet from the end of the pavement, an inclined plane of 20:1 slope.
 - (C) On the sides of the landing strip and approach areas, an inclined plane of 7:1 slope.
 - (D) 472 feet above sea level within the horizontal surface, which is a plane 150 feet above the established airport elevation. This plane is an ellipse formed by connecting the ends of two semicircles having radii of 10,000 feet from points located 200 feet beyond ends of pavement on centerline extended at each end of Runway 15/33.
 - (E) Within the conical surface, which is an inclined plane sloping upward at a 20:1 ratio extending 4,000 feet outward from the horizontal surface.
- (4) No provision of Section (3) shall limit the height of a structure or tree to less than 30 feet above the ground upon which it is located.
- (5) The Airport Reference Point is located on the centerline of Runway 15/33, 2,650 feet from the southeast end of the runway and its elevation is 322 feet above sea level.

NOTE: The following is for information only and is not a part of the Airport Approach Plan:

- (A) The building restriction lien is 300 feet from the center line of the landing strip.
- (B) Acquisition of property rights will be necessary: (1) to remove existing obstructions; (2) to control the height of objects in those areas where the controlling inclined plane is less than 30 feet above the ground.

42.19 Wetlands Conservation Zone.

(a) Purpose and Intent. The Wetlands Conservation Zone is established to protect the public health, safety, and general welfare by controlling and guiding the use of land areas which have been found to be subjected to high water tables for extended periods of time.

The Wetlands Conservation Zone is intended to:

- (1) Prevent the development of structures and land uses on naturally occurring wetlands which will contribute to pollution of surface and groundwater by sewage or toxic substances.
- (2) Prevent the destruction of, or significant changes to, natural wetlands which provide flood protection, recharge the groundwater supply, and augment stream flow during dry periods.
- (3) Protect unique and unusual natural areas.
- (4) Protect wildlife habitats and maintain ecological balances.
- (5) Protect potential water supplies and existing aquifers (water-bearing stratum) and aquifer recharge areas.
- (6) Prevent expenditure of municipal funds for the purposes of providing and/or maintaining essential services and utilities which might be required as a result of misuse or abuse of wetlands.
- (7) Encourage those low-intensity uses that can be harmoniously, appropriately, and safely located in wetlands.

(b) Wetlands Defined.

- (1) Wetlands include areas where the soil series are classified as "very poorly drained" or "poorly drained" by the Soil Survey of Strafford County, New Hampshire, dated March, 1973.

(A) "Very Poorly Drained" Soils Include:

Biddeford silty, clay loam (Be)
Fresh water marsh (Fa)
Mixed alluvial land, wet (MI)
Muck and Peat (Mp)
Whitman very stony loam (Wc)

(B) "Poorly Drained" Soils Include:

Leicester series (Lc) (Le)
Leicester-Ridgebury very stony loam (Lr)
Ridgebury series (Rg) (RI)
Rumney fine sandy loam (Ru)
Saugatuck loamy sand (Sb)
Scantic silt loam (Sc)
Swanton fine sandy loam (Sw)

- (2) In addition to the soils characteristics described above, wetlands include areas where the vegetational community consists of some or all of the following:

(A) Swamps are areas where the water table is at or near the ground surface for a significant part of the year. The vegetational community consists mostly of trees and woody shrubs, such as:

Alders	Poison Sumac
Arrow-Wood	Red Maple
Atlantic White Cedar	Rhodora
Black Ash	Sphagnum Moss
Black Gum	Spicebush
Black Spruce	Sweet Pepperbush
Buttonbush	Tamarack (Larch)
Common Elder	Willows
High-Bush Blueberry	Winterberry
Marsh Rose	

(B) Marshes are treeless wetlands dominated by soft-stemmed herbaceous plants. The surface of the marsh is covered with water year

round, though seasonal fluctuations in water depth are expected. Marshes range from the wet meadows variety to deep marshes which can be covered with several feet of water. The vegetational community is made up of some or all of the following:

Arums	Pickereel Weeds
Bladderworts	Rushes
Bur-Reeds	Sedges, including
Cat-Tails	Bulrushes, Cotton-
Duckweed	Grasses, and
Eelgrass	Wool Grasses
Frog's-Bits	Smartweeds
Horsetails	Sweet Gale
Hydrophylus Grasses	Water Lilies
Leatherleaf	Water Milfoil

- (C) Bogs consist of peat or muck deposits of significant depths and are characterized by a distinct group of trees and plants which are adapted to the bog's highly acidic conditions. The water in a bog is practically devoid of oxygen and nutrients. Bogs usually develop in undrained glacial depressions. Typical plants are:

Atlantic White Cedar	Pale Laurel
Black Spruce	Pitcher-Plants
Bladderworts	Rhodora
Bog or Buckbean	Sedges
Bog-Laurel	Sheep Laurel
Bog-Rosemary	Sphagnum
Cotton Grass	Sundews
High-Bush Blueberry	Sweet Gale
Leatherleaf	

(c) District Boundaries.

(1) Wetlands Conservation Zone Defined

The Wetlands Conservation Zone is defined as those areas delineated as very poorly and poorly drained soils by the U.S. Department of Agriculture, Soil Conservation Service, in the Soil Survey of Strafford County, New Hampshire, dated March, 1973. The Wetlands

Conservation Zone also includes those areas such as swamps, marshes, and bogs that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support a prevalence of vegetation adapted for life in saturated soil conditions.

(2) Establishment of a District

The limits of the Wetlands Conservation Zone are hereby determined to be areas of one acre or more in size, or of any size if contiguous to surface waters such as lakes, ponds, and streams, subjected to high water tables for extended periods of time and include, but are not necessarily limited to, all such areas delineated as wetlands on the current Rochester Wetlands Map, which is on file in the Office of the Planning and Development Director.

(3) Wetlands Incorrectly Delineated

Where it is alleged that an area has been incorrectly delineated as wetland, or that an area not so designated meets the criteria for wetlands designation, the Planning Board shall determine whether the regulations contained herein have application.

The Planning Board shall make their judgment under this section only upon the determination by a qualified soil scientist(s) on the basis of additional on-site investigation or other suitable research that the information contained on the Wetlands Map is incorrect. This evidence shall be acceptable only when presented in written form by said scientist(s) to the Planning Board. Any necessary soil testing procedures shall be conducted at the expense of the petitioner. Qualified soil scientist is interpreted to mean a person qualified in soil classification and who is recommended or approved by the Strafford County Conservation District.

(d) Relation to Other Zones. Where the Wetlands Conservation Zone is superimposed over another zoning district, the more restrictive regulations shall apply.

(e) Permitted Uses.

(1) In poorly drained soil areas:

Any use otherwise permitted by the terms of this ordinance provided that the following conditions are met:

- (A) Erection of structures other than single family houses will require:
 - connection at the developer's expense to the City sewer system; and,
 - design and construction at the developer's expense of an approved storm water drainage system.
- (B) Single family houses on individual lots will require:
 - either connection at the developer's expense to the City sewer system; or,
 - approval from the New Hampshire Water Supply & Pollution Control Commission for construction of a septic system(s).
- (C) Any and all federal, state, or municipal licenses, permits or approvals otherwise required as a condition of such use or as a prerequisite, or precondition to the lawful construction, establishment, or application of such use have been obtained, including, without limitation, dredge and fill permits, excavation permits, Water Supply & Pollution Control approval, subdivision and/or site review approval, and building permits.

(2) In very poorly drained soil areas:

- (A) Any use that does not involve the erection of a structure and that does not alter the surface configuration of the land by the addition of fill or dredging.
- (B) Agriculture, including grazing, hay production, truck gardening, and silage production provided that such use is shown not to cause

significant increases in surface or ground-water pollution by heavy metals, pesticides, or toxic chemicals and that such use will not cause or contribute to soil erosion.

- (C) Forestry and tree farming.
- (D) The construction of well water supplies.
- (E) Wildlife habitat development and management.
- (F) Parks and such recreation uses as are consistent with the purpose and intentions of Section 42.19(a).
- (G) Conservation areas and nature trails.
- (H) Open space as permitted by subdivision regulations and other sections of this ordinance.

(f) Special Exceptions. Special exceptions may be granted by the Board of Adjustment for the following uses within the Wetlands Conservation Zone after prompt public notice and public hearing when the application has been referred to the Planning Board and Conservation Commission for review and comment at least fifteen (15) days prior to the hearing:

- (1) Streets, roads, and other access ways and utility right-of-way easements including power lines and pipe lines if such location is essential to the productive use of land not so zoned, and so constructed as to minimize any detrimental impact of such use upon the Wetlands Conservation Zone.
- (2) The construction of wharves, footbridges, catwalks, fences, water impoundments, and beaches after review by the Planning Board for adherence to normal construction practices.

In order for the Board to grant a special exception, the following shall be obtained:

Any and all federal, state, or municipal licenses, permits, or approvals otherwise required as a condition of such use or as a prerequisite, or precondition to the lawful construction, establishment, or application of such use have been obtained, including, without

limitation, dredge and fill permits, excavation permits, Water Supply & Pollution Control approval, subdivision and/or site review approval and building permits.

(g) Special Provisions.

- (1) No part of a wetland consisting of very poorly drained soils may be included in meeting the minimum lot area requirement of any lot in any given zone under any circumstances.
- (2) All areas of very poorly drained soils included in the Wetlands Conservation Zone shall be eligible to be appraised for tax purposes to their full and true value in money, based on their market value as undevelopable land required to remain in open space consistent with the provisions of RSA 79-A (current use taxation), except insofar as any use, construction, or development pursuant to the special exception provisions of Section 42.19(f) may otherwise render such property ineligible for current use taxation.

42.20 Regulatory Floodway Zone.

(a) Regulatory Floodway Boundaries. The boundaries of the Regulatory Floodway Zone shall be as delineated on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the City of Rochester, dated September 16, 1982, as prepared, and as they may be amended, by the Federal Emergency Management Agency, Federal Insurance Administration.

(b) Restrictions - Regulatory Floodway Zone. The following regulations, as well as the regulation contained in Sections 42.7 through 42.22 which relate to the underlying zoning districts shown on the City Zoning Map, shall apply to the Regulatory Floodway Zone:

- (1) Mobile Homes. The placement of mobile homes is prohibited within the designated Regulatory Floodway, except in existing mobile home parks.
- (2) Prohibitions. Within the Regulatory Floodway, any development or encroachment (including fill) which would result in any increase in flood levels during the base flood discharge is prohibited.

For the purposes of this part, "development" is defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations."

- (3) Floodway Defined. "Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.
- (4) The regulations concerning development in the floodplain contained in Chapter 40.9 of the City of Rochester Ordinances are hereby incorporated by reference.

42.21 Aquifer Protection Zone.

(a) Purpose. The purpose of the Aquifer Protection Zone is to protect groundwater resources from adverse development or land use practices that might reduce the quality and quantity of water that may be available for use as a future source of supply for Rochester's municipal water system.

(b) Aquifer Protection Zone Boundaries. The boundaries of the Aquifer Protection Zone shall generally coincide with those areas identified in the 1982 engineering study of the City's water system conducted by Whitman & Howard, Inc. as having the highest potential to serve as future sources of groundwater supply. These areas are delineated on the Rochester Zoning Map.

(c) Restrictions - Aquifer Zone. The following uses are prohibited:

- (1) Coverage of more than forty percent (40%) of any lot with impervious surfaces, except that the Planning Board may allow up to sixty percent (60%) coverage of any lot with impervious surfaces if engineering design provides adequate purification and recharge conditions. The Planning Board shall require the applicant to cover all costs associated with design and Planning Board review.
- (2) On-site disposal of solid wastes, other than brush and stumps.

- (3) On-site disposal of liquid or leachable wastes other than from a septic system serving only domestic wastes.
 - (4) On-site disposal of any materials or substances classified as hazardous by the rules and regulations of the New Hampshire Water Supply & Pollution Control Commission or the Environmental Protection Agency.
- (d) Special Provisions - Aquifer Zone. On-site storage of petroleum, gasoline, or other materials may be permitted if such storage is in compliance with the rules and regulations of the New Hampshire Water Supply & Pollution Control Commission for Control of Nonresidential Underground Storage and Handling of Oil and Petroleum Liquids.

42.22 Special Downtown District.

(a) Boundaries. The boundaries of the Special Downtown District coincide with the "fire limits" established in Chapter 40.13 of the City of Rochester Ordinances. The district includes those areas classified on the Rochester Zoning Map as Business 1, Business 2, and Industrial 3 adjacent to North and South Main Streets in Rochester Proper and Main Streets in Gonic and East Rochester.

(b) Requirements - Special Downtown District. The following requirements apply:

- (1) Development is exempt from the site plan review process.
- (2) Existing construction is exempt from the parking and loading requirements contained in Section 42.9 of this ordinance.

42.23 Special Exceptions.

(a) General Provisions

- (1) Certain uses, structures, or conditions are designated as Special Exceptions (E) in this ordinance. Upon application, the Board of Adjustment may, subject to the appropriate conditions and safeguards, grant a permit for these special exceptions and no others.

- (2) Special exceptions, for which conformance to additional standards is required, may be permitted in their respective districts, subject to the satisfaction of the requirements and standards set forth in this Section 42.23, in addition to all other requirements of this ordinance. All such uses are hereby declared to possess such special characteristics that each shall be considered as an individual case.
- (3) The Board of Adjustment may require that a site plan for development for a proposed special exception be submitted showing the location of all buildings, parking areas, traffic access, open spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed special exception is in harmony with the intent of this ordinance.

(b) Considerations Governing Granting Special Exceptions. In acting upon an application for a special exception, the Board of Adjustment shall take into consideration whether:

- (1) The specific site is an appropriate location for the proposed use or structure;
- (2) The proposal is detrimental, injurious, obnoxious, or offensive to the neighborhood;
- (3) There will be undue nuisance or serious hazard to pedestrian or vehicular traffic, including the location and design of access ways and off-street parking;
- (4) Adequate and appropriate facilities and utilities will be provided to insure the proper operation of the proposed use or structure; and,
- (5) The proposed use or structure is consistent with the spirit of this ordinance and the intent of the Master Plan.

(c) Special Exceptions - Detail. This section lists specific conditions which must be met in addition to those listed in 42.23(b)(1) - 42.23(b)(5) above in order for the Board of Adjustment to grant the special exceptions below:

- (1) Pig Farms. In the Agricultural Zone: using grains only as feeds; located one-half (1/2) mile from any other zoning district.

- (2) Fur Ranches. In the Agricultural Zone: located one-half ($\frac{1}{2}$) mile from any other zoning district; raising pens or pelting facilities are at least one thousand (1,000) feet from any lot line.
- (3) Hotel, Motel, Inn, Cabin. In the Agricultural Zone or Industrial Zones located on a State highway; additional area of 2,000 square feet of land for each additional sleeping unit above one.
- (4) Motor Vehicle Junkyard and Junkyard. In the Agricultural and Industrial 2 Zones: in compliance with applicable State laws.
- (5) Drive-In Theater. In the Agricultural Zone: location and design of access roads are approved by the Chief of Police as adequate according to reasonable traffic standards.
- (6) Grocery or Variety Store. In the Residence 1 and 2 Zones: not more than 1,000 square feet in gross floor area; not located within one thousand (1,000) feet in a direct line from any other grocery store or variety store; approved by sixty percent (60%) of the owners of the property within a 250-foot radius of the numbered entrance of said store.
- (7) Convalescent or Rest Home. In the Residence 1 and 2 Zones: an additional land area of 2,000 square feet for each patient bed in addition to the required minimum lot size.
- (8) Office. In the Residence 2 Zone or Agricultural Zone: minimum lot size of 10,000 square feet for each 1,000 square feet of gross floor area; required off-street parking shall be in the rear of the premises. In Industrial 1 and 2 Zones: a minimum lot size of five (5) acres shall be required.
- (9) Funeral Home. In the Residence 2 Zone: minimum lot size of 20,000 square feet.
- (10) Second-Hand and Antique Shop. In the Residence 2 Zone: no outside display of stock-in-trade.

- (11) Filling Station. In the Agricultural Zone: located on a State highway. In the Business 1 Zone: where ingress or egress of motor vehicles does not endanger pedestrian traffic and is approved by the Chief of Police.
- (12) Amusement Enterprise. In the Business 1 and 2 Zones: location first approved by the Planning Board; where such uses are within fifty (50) feet of a residential zone, the wall facing the residential zone shall have no openings other than stationary window openings and emergency exits.
- (13) Bottling Works, Ice Cream Manufacture, Feed and Fuel Storage and Sales. In the Business 2 Zone: location first approved by the Planning Board; where such uses are within fifty (50) feet of a residential zone, the wall facing the residential zone shall have no openings other than stationary window openings and emergency exits.
- (14) Laundry. In the Business 1 Zone: location first approved by the Planning Board; where such uses are within fifty (50) feet of a residential zone, the wall facing the residential zone shall have no openings other than stationary window openings and emergency exits.
- (15) Monument Sales. In the Business 2 and Industrial 3 Zones: location first approved by the Planning Board; where such uses are within fifty (50) feet of a residential zone, the wall facing the residential zone shall have no openings other than stationary window openings and emergency exits.
- (16) Earth Excavation. In any zone:

The Board of Adjustment may grant a special exception for earth excavation. Following the granting of a special exception, a permit may be applied for to the Planning Board in accordance with RSA 155-E. At the request of the applicant, the Zoning Board of Adjustment and Planning Board may hold a joint public hearing.

In accordance with RSA 155-E, the Planning Board shall establish:

- (A) an application form and application fee. The cost of notifying abutters shall be in addition to the application fee.
 - (B) an annual permit fee. After initial issuance, a permit shall be automatically renewable upon payment of the annual permit fee and upon verification that required bonds or other sureties are still in effect for the length of the permit.
 - (C) requirements for the posting of bonds or other sureties to ensure compliance with the conditions of the permit.
- (17) Roadside Stand. In the Business 2 Zone: for the sale of general farm products.
 - (18) Government Buildings and Cemeteries. In the Agricultural, Residence 1, Residence 2, Business 1 and 2 Zones: where such uses are deemed essential to the public convenience or welfare by the Board of Adjustment.
 - (19) Public Utility Lines, Stations and Buildings; Radio or Television Stations or Transmitters. In any zone where such uses are deemed essential to the public convenience or welfare by the Board of Adjustment.
 - (20) Airport, Public. In any zone where such use is deemed essential to the public convenience or welfare by the Board of Adjustment and where the proposed use meets all criteria of the FAA and the New Hampshire Aeronautics Commission.
 - (21) Airport, Private. In the Agricultural, Business 2, Industrial 1 or Industrial 2 Zones: where such a use will not be detrimental to adjacent properties due to noise or traffic and where the proposed use meets all criteria of the FAA and the New Hampshire Aeronautics Commission.
 - (22) Retail Store. In Industrial 1 and 2 Zones: located on a

State highway with a minimum of 500 foot frontage and 100 foot setback of any building or parking from said highway; required minimum lot size shall be five (5) acres.

- (23) Restaurant. In Industrial 1 and 2 Zones: allowed only as constructed within a hotel or motel.

42.24 Cluster Development. In the Agricultural Zone, a single detached one-family dwelling may be constructed on certain lots in a cluster development (as hereinafter defined and limited) although such lots have less area and/or frontage than normally required. For the purpose of this section, a cluster development is a division of land into lots used, or available for use, as building sites where said lots are clustered together into one or more groups, separated from adjacent property and other groups of lots by intervening common land.

(a) Purpose and Intent. The purpose of this section is to provide greater flexibility in the development of land within the City of Rochester and to encourage preservation of natural resources.

(b) Application for Consideration. Any person considering development of a parcel of land having particularly unique topography, valuable farmland, or similar characteristics which in his opinion demands special development considerations may request in writing to the Planning Board that such proposal be considered under the provisions of this section. Such a request will constitute a waiver of other requirements as contained elsewhere in this ordinance or the Subdivision Regulations relating to time limits, referrals, and other specific considerations.

(c) Planning Board Action. The Planning Board shall take action on the request within thirty (30) days of submission. Should the Planning Board determine that the request is compatible with the intent of this section, meets the minimum requirements, and could, in fact, result in a more attractive and efficient development, it may approve the request and consider the proposal under the cluster development procedure.

(d) Special Requirements. The Planning Board, working with the applicant, may approve a cluster development (containing

lots with less than the minimum area and/or frontage), provided that:

- (1) The total area of land included within the development shall be ten (10) acres or more.
- (2) The total number of lots shall not exceed one and a half (1 ½) times the number of lots normally permitted in the Agricultural Zone.
- (3) Every individual lot shall have an area of at least 10,000 square feet.
- (4) Every individual lot shall have a minimum frontage of at least seventy (70) feet, except that any lot abutting an existing street shall have a minimum frontage on such street not less than the amount normally required in the Agricultural Zone.
- (5) All land area in the development which is not included in lots or streets shall be designated as common land.
- (6) Every individual lot that is reduced in the area below the amount normally required abuts such common land for a distance of at least fifty (50) feet.
- (7) The minimum width of common land between any group of lots and adjacent property, and between every two groups within the development is fifty (50) feet.
- (8) All lots shall be connected to a public (or community) water and sewer system or equivalent.
- (9) All common land hereunder shall be either: (A) held in common ownership by the owners of lots within the development; or, (B) dedicated to the City of Rochester for recreational use in a location, size, and shape approved by the Planning Board. The City shall retain the option of whether or not to accept common land dedicated under alternative (B). If the City chooses not to accept the common land, it shall be held by the owners of the lots. In the case of common ownership, the developer shall include in the deed to the owners beneficial rights in said common land and responsibilities for its maintenance, and an easement shall be conveyed to the City of Rochester against development of said land and the erection thereon of

any structures other than for neighborhood non-commercial recreational use.

(e) Application for Approval. Each application for approval hereunder shall be accompanied by a plan, in duplicate, prepared in accordance with the specifications in the Rochester Subdivision Regulations for preliminary approval.

In its consideration of the proposed cluster development, the Planning Board shall concurrently study the plan with respect to the requirements of the Subdivision Regulations and approval under this section shall include subdivision approval.

42.25 Administration and Enforcement.

(a) Procedure for Enactment and Amendment.

- (1) The enactment of the Zoning Ordinance and any proposed amendments must be done in accordance with RSA 675:2. The City Council must hold a public hearing on all enactment and amendment proposals in accordance with RSA 675:7. At least thirty (30) days before the public hearing, the proposal shall be referred to the Planning Board for study and report. The report of the Board shall be read into and made a part of the minutes of the public hearing. In making its report, the Planning Board shall refer to and take into account its Master Plan for the City. Failure of the Planning Board to file a report on the proposal with the City Council within thirty (30) days shall be deemed to be an approval. In the event the Planning Board recommends that the proposal not be approved, such proposal shall require a two-thirds ($\frac{2}{3}$) vote of the City Council. In the event the Planning Board recommends approval, such proposal shall require a simple majority vote of the City Council. A copy of the approved Zoning Ordinance and amendments thereto shall be placed on file with the City Clerk for public inspection. A copy shall also be filed with the New Hampshire Office of State Planning.
- (2) Where a petition is filed for an amendment to this ordinance, the City Council shall act within ninety (90) days of the date of first reading of the petition in accordance with the procedure spelled out in Section

42.25(a)(1). In order to be placed on the City Council agenda for reading, a petition must be received by the City Clerk at least five (5) days prior to the date of the Council meeting. A petition for amendment to this ordinance shall be filed with the City Clerk, accompanied by a description of the proposed amendment on a form prescribed by the City Clerk and by a filing fee of Thirty (\$30.00) Dollars plus the actual costs of legal notice and other charges.

- (3) Where an amendment to this ordinance is recommended by the Planning Board or any other department or commission of the City, or by the Mayor or a City Councilor, the City Council shall act within ninety (90) days of the date of the first reading of the amendment in accordance with the procedure spelled out in Section 42.25(a)(1) above. However, when an amendment is recommended by the Planning Board, it shall not be referred back to the Board for study and report. In order to be placed on the City Council agenda for reading, a proposed amendment must be filed with the City Clerk at least five (5) days prior to the date of the Council meeting.
- (4) In accordance with RSA 675:5, in case of a protest against a zoning change signed by either:
 - (A) The owners of twenty percent (20%) of the area of the lots included in such proposed change; or,
 - (B) The owners of twenty percent (20%) of the area within one hundred (100) feet immediately adjacent thereto or across a street therefrom;

such change shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the City Council present and voting.

- (5) In order to have any protest considered by the City Council:
 - (A) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, so that the City Clerk may identify such

owners as interested and affected parties;
and,

- (B) The signed protest petition shall be submitted to the City Clerk at least five (5) days prior to the Council meeting; provided, however, that each protest petition shall apply to only one item on the agenda. The Mayor shall announce at the Council meeting that a protest petition has been received.
- (C) In the case of a protest petition, the City Council shall act within one hundred twenty (120) days of the date of first reading of the proposed zoning change.

(b) Enforcement. Upon written complaint of the Building Inspector, the City Solicitor shall enforce this ordinance in accordance with the provisions of RSA 676:15, with the assistance of the Police Department of the City of Rochester, and any process of law or enforcement agency that may be necessary.

In accordance with RSA 676:17, whoever violates any of the provisions of this ordinance may be punished by a civil fine of not more than One Hundred (\$100.00) Dollars for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he is in violation of the ordinance, whichever date is earlier.

42.26 Building Permit. This ordinance shall be administered by the Building Inspector in the same manner and with the same powers provided under the Building Code of the City of Rochester. No building permit shall be issued by the Building Inspector unless the proposed building or use conforms in all respects to the provisions of this ordinance.

42.27 Certificate of Occupancy. No premises or structure or part thereof hereafter erected or altered wholly or partly in use or structure, or moved, or the open spaces of which are in any way reduced, shall be used until the Building Inspector shall have issued a certificate of occupancy, specifying the use to which the premises, or building upon being sufficiently completed to comply with the provisions and regulations thereto, may be put.

42.28 Board of Adjustment.

(a) In accordance with the provisions of RSA 673:3, the Board of Adjustment shall consist of five (5) members. The Mayor, as the appointing authority, shall annually appoint members for staggered three (3) year terms so that no more than two (2) members are appointed annually except when required to fill vacancies. A member shall be removable by the Mayor upon written charges and after public hearing. Vacancies shall be filled for any unexpired term.

(b) The Board of Adjustment shall adopt rules to govern its proceedings in accordance with the provisions of this ordinance and the provisions of RSA 676:1.

(c) The duties and powers of the Board of Adjustment shall be as prescribed in RSA 674:33, as amended, to which specific reference is made and which is incorporated by reference herein.

42.29 Administrative Review. Before any subdivision plan or site plan can be approved by the Planning Board, an administrative review process shall be followed requiring review and sign-off on technical aspects of the plan by appropriate City department heads and by the Mayor. The final approval shall not be considered complete until all required State of New Hampshire permits and/or licenses are issued. No plans are to be signed by any authorized City official unless this section is totally complied with.

42.30 Interpretation. This ordinance shall not interfere with or annul any ordinance, rule, regulation, or permit, provided that, unless specifically excepted, where this ordinance is more stringent it shall control.

The invalidity of any section or provision of this ordinance shall not invalidate any other section or provision hereof.

PASSED March 4, 1986

AMENDMENT TO CHAPTER 43 MOBILE HOME PARKS

THE CITY OF ROCHESTER ORDAINS:

That Chapter 43 of the General Ordinances of the City of Rochester, as

amended, be further amended by striking in its entirety the existing Chapter 43 and adopting a new Chapter 43, as amended at this meeting, as follows:

CHAPTER 43 MOBILE HOME PARK ORDINANCE

SECTION ANALYSIS

- 43.1 Purpose and Intent
- 43.2 Authority
- 43.3 Definitions
- 43.4 General Requirements
- 43.5 Design Standards
- 43.6 Applications for Approval
- 43.7 Licensing
- 43.8 Administration

43.1 Purpose and Intent. The purpose of this ordinance is to establish minimum standards for the construction and maintenance of mobile home parks in the City of Rochester. The intent of the ordinance is that mobile home parks shall provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas.

43.2 Authority. This ordinance is adopted by the Rochester City Council in accordance with the provisions of New Hampshire RSA 47:17.

43.3 Definitions.

(a) Accessory Building or Structure. A subordinate building or structure which is an addition to or supplements the facilities provided by a mobile home, such as an awning, cabana, storage structure, carport, porch, fence, skirting, windbreak, or screened room.

(b) Building. A roofed structure erected for permanent use.

(c) Common Area. An area or space designed for joint use by residents of a mobile home park, principally for recreation purposes.

- (d) Density. The number of mobile home lots per acre of gross land area in a mobile home park.
- (e) Garage. A building for the shelter of automotive vehicles.
- (f) Gross Land Area. The total land area included within the perimeter boundaries of a mobile home park.
- (g) Living Unit. A residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (h) Lot Area. The total horizontal land area within the boundaries of a lot, exclusive of any land area designated for street purposes, and reserved for exclusive use of the occupants of a mobile home.
- (i) Lot Line. The line identifying a lot boundary.
- (j) Manufactured Housing. Any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and is designed to be used as a single-family habitation with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein (in conformance with the definition in RSA 674:31, as amended).
- (k) Mobile Home. A form of manufactured housing which conforms with the definition in (j) above.
- (l) Mobile Home Lot. A parcel of land for the placement of a mobile home and for the exclusive use of its occupants.
- (m) Mobile Home Park. Any parcel of land under single or common ownership or control which contains, or is designed, laid out, or adapted to accommodate two or more mobile homes. The term mobile home park shall not be construed to apply to premises used solely for storage or display of mobile homes.
- (n) Mobile Home Subdivision. An approved subdivision of two or more lots designed to be occupied by mobile homes only

and where the lots will be sold rather than rented or leased.

(o) Park Road. A private road within the boundaries of a mobile home park which is owned and maintained by the mobile home park owner, and which provides vehicular access to mobile home lots.

(p) Permanent Building. Any building except a mobile home or a mobile home accessory building or structure.

(q) Public System. A water or sewage system which is owned and operated by a local government authority or by an established public utility which is adequately controlled by a governmental authority.

(r) Storage Building. A building located on a mobile home lot which is designed and used solely for the storage and use of personal equipment and possessions of the occupants of the mobile home on that lot.

(s) Street. A public highway as defined in RSA 229:1, except a Class VI or discontinued highway; or a private road within a subdivision as platted and recorded in the Strafford County Registry of Deeds, including the full width of the right-of-way.

(t) Yard. An unoccupied space open to the sky on a mobile home lot.

43.4 General Requirements.

(a) Location and Access.

- (1) Mobile home parks shall be permitted only within the area defined as the Agricultural Zone by the Rochester Zoning Ordinance.
- (2) Mobile home parks shall be located with access onto a publicly maintained Class V or better street.
- (3) Since mobile home parks are a relatively intensive form of residential development, the soil characteristics of a site proposed for mobile home park development shall be adequate to support that development.

(b) Density.

- (1) The number of mobile home lots in a mobile home

park shall not exceed 2.9 per acre of gross land area contained within the mobile home park.

(c) Setbacks.

- (1) The minimum distance between any mobile home and a mobile home park boundary line shall be fifty (50) feet.
- (2) Minimum setbacks on mobile home lots shall be: front yard, twenty (20) feet; side and rear yards, fifteen (15) feet.
- (3) There shall be a minimum of thirty (30) feet clearance between mobile homes on adjoining lots. No mobile home shall be located closer than thirty (30) feet from any community building within the park.

(d) Screening and Landscaping.

- (1) A twenty (20) foot buffer strip shall be maintained along all public streets and along all mobile home park boundaries which abut a residential area. No part of this buffer strip shall be included within the boundaries of individual mobile home lots or within common areas. Within this twenty (20) foot buffer strip, a dense visual screen of shrubs or trees shall be planted, at least four (4) feet high at the time of planting, of a type that will form a year-round screen at least six (6) feet high within three (3) years. Where existing natural growth or topography can provide the required screening, they may be utilized to fulfill all or part of this requirement.
- (2) Lawn and ground cover shall be provided where needed to prevent erosion of slopes and on other areas to obtain usable yards. Trees, shrubs, and vines shall be required to the extent needed to provide for:
 - (A) screening of objectionable views;
 - (B) adequate shade; and
 - (C) a suitable setting for mobile homes and other facilities. During the development of any mobile home park, that portion of said park used, occupied, and/or made available for

use and occupation of mobile homes shall be subject to these standards.

(e) Construction.

- (1) The provisions of this ordinance and of the building regulations of the City of Rochester shall apply to all construction, alterations, repairs, and additions to mobile homes and structures within a mobile home park unless otherwise modified herein.
- (2) The skirting of mobile homes is permitted to achieve better heating, but skirting shall not provide a harborage for rodents, nor create a fire hazard. Skirting, cabanas, awnings, porches, or other additions shall not be attached to a mobile home unless they are approved by the Building Inspector.
- (3) All piping from outside fuel storage tanks or liquefied petroleum gas cylinders to a mobile home shall be copper or other acceptable metallic tubing mechanically connected and shall be permanently installed and securely fastened in place. All fuel storage tanks, including oil tanks, or cylinders shall be securely fastened in place and shall not be located inside or beneath a mobile home or within five (5) feet of any mobile home exit. If a mobile home is provided with a full basement, fuel storage tanks may be located within that basement. Racks to hold all fuel tanks or cylinders shall be of a design which will prevent tipping or accidental overturning. Oil tanks shall be screened by adequate shrubs or fencing.
- (4) Liquefied petroleum gas for cooking purposes shall not be used on individual mobile home lots unless the containers are properly connected. Liquefied petroleum gas cylinders shall be securely fastened in place and shall be adequately protected from the weather.
- (5) The storage of firewood, coal, coke, other fuels and/or equipment shall be done in a manner so as not to constitute a fire hazard.
- (6) Only one single-story storage building may be installed on any one mobile home lot. The maximum size shall not exceed 12' x 14' x 10' wall height. Roofs

shall be either prefinished metal, fiberglass, or shingles. The exterior shall be of a permanent building material. Plans must be approved by the Building Inspector, and a building permit obtained prior to erection on the mobile home lot.

(f) Board of Health Requirements.

- (1) All mobile home parks shall be located in areas free from marshes, swamps, stagnant pools, or other potential breeding places for insects or rodents.

(g) Fire Protection.

- (1) The mobile home park area shall be subject to the rules and regulations of the City of Rochester Fire Department.
- (2) Mobile home park areas shall be kept free of litter, rubbish, and other flammable materials.
- (3) Where a public water system is available to a mobile home park, standard city fire hydrants shall be spaced not less than 400 feet apart within the boundaries of the park.
- (4) Fires shall be made only in stoves and other equipment intended for such purposes. No open fires shall be permitted except in specified areas approved by the Rochester Fire Department.
- (5) The City of Rochester Fire Department may take whatever additional measures for adequate fire and safety conditions as it feels are necessary for each mobile home park.

(h) Refuse Disposal.

- (1) The storage, collection, and disposal of refuse in mobile home parks shall be managed so as to create no health hazards, rodent harborage, insect-breeding areas, accident hazards, or air pollution.
- (2) Racks or holders shall be provided for all refuse containers. Such container racks or holders shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

- (3) All garbage and rubbish shall be collected at least once weekly only from a location(s) designated by the Health Officer. Mobile home park owners shall be responsible for seeing that garbage and rubbish are deposited at the collection locations(s).

(i) Pets. No owner or person in charge of a dog, cat, or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home park (pursuant to RSA 466:30-a).

(j) Management. Any person responsible for the operation of a mobile home park shall maintain a current register of all mobile homes located within the mobile home park and their owners. Such register shall be available for inspection to/by City officials.

Said register shall contain pertinent information to properly identify the mobile home, location, and owners of each mobile home in the mobile home park, including: the dates of arrival and the dates of departure of any mobile home which has arrived or departed within the past year.

According to the provisions of RSA 73:16-a, the owner of a mobile home park shall be responsible for filing with the City Assessor's Office an inventory (description) of all mobile homes which locate in a park within fifteen (15) days of their arrival. Also under the provisions of RSA 73:16-a, the owner of a mobile home park may be held responsible for the payment of taxes due on individual mobile homes located within the park which have not been paid by their owners.

The management of a mobile home park shall assume responsibility for maintaining in good repair all buildings, streets, walks, sanitary facilities and utilities within the park and shall take such action as is necessary to eject from the grounds any person who willfully or maliciously fails to comply with these and other applicable regulations.

43.5 Design Standards. During the development of any mobile home park, that portion of said park which is used, occupied, and/or made available for use and occupation of mobile homes shall be subject to these standards, and to the applicable standards of the New Hampshire Water Supply & Pollution Control Commission and the Sanitary Laws and Regulations of the New Hampshire Division of Public Health Services.

(a) Mobile Home Lots.

- (1) Each mobile home lot shall contain a minimum of 10,000 square feet in area and shall have a minimum frontage of seventy-five (75) feet on a park road.
- (2) No mobile home with accessory buildings, garage, structures, storage building and paved parking spaces shall occupy in excess of twenty-five percent (25%) of a mobile home lot.

(b) Park Roads.

- (1) Mobile home park roads shall provide safe and convenient vehicular access from abutting public streets to all mobile home lots and community facilities. Driveway access to all mobile home lots shall be only from park roads, with no driveway access permitted directly from City streets.
- (2) Roads shall be adapted to topography, shall have suitable alignment and gradient for traffic safety, and shall have a properly designed storm drainage system. Except as herein modified, the design standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations shall apply to the design of mobile home park roads.
- (3) Roads shall have a minimum right-of-way width of forty (40) feet, and a minimum paved width of twenty-two (22) feet. Roadway pavement shall be in accordance with the standards for minor streets in the Agricultural Zone contained in the Rochester Subdivision Regulations.
- (4) Road systems shall be developed with consideration given to the reasonable movement and placement of mobile homes on individual lots.
- (5) All mobile home parks shall be graded to insure proper drainage. The drainage system shall take into consideration not only proper channelizing of storm water within the mobile home park, but minimization of adverse effects on surrounding property and public streets.

(c) Parking.

- (1) Two (2) off-street parking spaces shall be provided for each mobile home lot. Each parking space shall be paved and graded to provide drainage away from the mobile home in conformance with the overall drainage plan for the mobile home park.
- (2) Each off-street parking space shall have a minimum width of nine (9) feet and a minimum length of eighteen (18) feet.
- (3) Garages shall be permitted, provided that they are either directly attached to a mobile home or separated by a distance of at least ten (10) feet. Garages shall also conform to the setback provisions in Section 43.4(c)(2).

(d) Common Area.

- (1) At least seven percent (7%) of the gross land area in a mobile home park shall be reserved as a common area for recreation and other open space purposes.
- (2) Each mobile home park shall provide at least one (1) common area restricted to the use and enjoyment of the residents of the park. No single common area shall contain less than 15,000 square feet. Where more than one area is provided, the areas shall be spaced and located in the mobile home park in such a manner that will provide maximum usefulness for park residents.
- (3) All equipment contained in recreational areas within common areas shall be kept in good repair. Common areas shall be kept free of all debris.
- (4) The land included within common areas shall be of such character that it is capable of supporting recreational use and shall not include land with poor drainage, excessive slope, or land which is subject to flooding.
- (5) Common areas shall be separated from park roadways, city streets, and parking spaces by an adequate fence.

(e) Water Supply.

- (1) A water supply meeting the requirements of the 1983 State of New Hampshire Water Supply & Pollution Control Commission Drinking Water Regulations shall be provided to each mobile home lot in a mobile home park.
- (2) The design and construction (including materials) of the water supply system, whether public or private, for a mobile home park shall comply with the New Hampshire Water Supply & Pollution Control Commission Design Standards for Small Public Water Systems and with all requirements and regulations of the City of Rochester.
- (3) Where a public water system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City. Where a public water system is not available, any other source of water must be approved by the New Hampshire Water Supply & Pollution Control Commission.
- (4) All water piping shall be constructed and maintained in accordance with state and local law; the water piping system shall not be connected with nonpotable or questionable water supplies.
- (5) Individual water service connections which are provided for direct use by mobile homes shall be so constructed that they will not be damaged by the parking of mobile homes.
- (6) A mobile home park water system shall be adequate to provide twenty (20) pounds per square inch of pressure at all mobile home lots.

(f) Sewage Disposal.

- (1) Where a public sewage system exists within 200 feet of any boundary of a mobile home park, all lots within the park shall be connected to the public system, unless such connection is specifically denied by the City.

- (2) Where a public sewage system is not available, the sewage disposal system for all mobile home lots in the mobile home park shall be approved by the New Hampshire Water Supply & Pollution Control Commission.
- (3) Each mobile home lot shall be provided with sewer connections which comply with all statutory requirements and regulations of the State of New Hampshire, the appropriate agencies of the State of New Hampshire, and the City of Rochester.
- (4) The design and construction (including materials) of the sewage disposal system, whether public or private, for a mobile home park shall comply with all statutory requirements and regulations of the New Hampshire Water Supply & Pollution Control Commission and the City of Rochester.

(g) Electricity.

- (1) A secured electrical outlet supplying 220 volts shall be provided for each mobile home lot. This installation shall comply with all applicable state and local electrical codes and ordinances. Such electrical outlets shall be weatherproof.
- (2) All power lines within a mobile home park shall be underground and shall be laid with sufficient cover to prevent damage from traffic.

(h) Telephone System.

- (1) Where telephone service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical distribution system.

(i) Cable Television System.

- (1) Where cable TV service to mobile home lots is provided, the distribution system shall be underground and shall be in general conformance with the placement of the electrical distribution system.

43.6 Application for Approval.

(a) Procedure.

- (1) Before formal submission of a plan for a new mobile home park, a developer proposing construction of a mobile home park may first meet with the Planning Board to informally discuss the project.
- (2) A formal application for construction of a new mobile home park shall be submitted to the Rochester Planning Board. In reviewing the application, the Board shall follow the procedures and standards for the review of a major subdivision as spelled out in Section 2.3 of the Rochester Subdivision Regulations.
- (3) The Board shall submit the application to the Commissioner of the Rochester Department of Public Works for review of all road and utility plans which are a part of the proposed mobile home park.

(b) Submission Requirements.

- (1) The application for approval of a mobile home park plan shall be prepared in accordance with the standards and requirements contained in Section 4 of the Rochester Subdivision Regulations. The application shall include all those items listed in said Section 4.

43.7 Licensing.

(a) General Provisions.

- (1) It shall be unlawful for any person to operate or maintain a mobile home park within the limits of the City of Rochester unless he holds a valid license issued by the Building Inspector in the name of such person for the specific mobile home park.
- (2) Licenses shall be issued annually, and each license shall be in effect for a period of one (1) year beginning January 1 of each year.
- (3) An application for an initial mobile home park license shall be filed with the Building Inspector. The application shall be in writing signed by the applicant, and shall include the following:
 - (A) the name and address of the person making application;

- (B) the location and legal description of the mobile home park;
- (C) plans and specifications of all improvements, buildings, streets, recreational areas, walks, sewer, water, and other facilities constructed or to be constructed within the park;
- (D) the area and dimensions of the tract of land whereon the park is located;
- (E) written approval of the following City of Rochester officials indicating that the mobile home park complies with the requirements of this Ordinance:
 - (1) Planning Board
 - (2) Commissioner of Public Works
 - (3) Fire Chief
 - (4) Health Officer
 - (5) Police Chief
 - (6) Zoning Officer
 - (7) Mayor
- (F) such further information as may be requested by the Building Inspector to enable him to determine if the park complies with the provisions of this ordinance and all other applicable legal requirements.

- (4) The application and five (5) copies of all accompanying plans and specifications shall be filed with the Building Inspector; two (2) of said copies shall be filed with the Planning Office.

(b) Issuance of License.

- (1) The Building Inspector shall inspect the application and plans and specifications.
- (2) If the mobile home park is in compliance with all of the provisions of this ordinance and all other applicable ordinances, statutes, and regulations, the Building Inspector shall approve the application, provided,

however, that if the Building Inspector does not act to approve or deny within ninety (90) days of receipt of the application, the application shall be automatically approved.

(c) Renewal of License.

- (1) Application for the renewal of a license shall be made in writing on or before the first day of November of each year to the Building Inspector by the holder of the license and shall contain the following:
 - (A) any change in the information submitted since the time the original license was issued or the latest renewal granted;
 - (B) copies of as-built plans for any and all sections of a mobile home park developed during the year in which application for renewal is made;
 - (C) such other information as the Building Inspector may require.
- (2) All mobile home parks in existence upon the effective date of this ordinance shall within six (6) months thereafter comply with the requirements of this ordinance, except that the Building Inspector, upon application of a park operator, may waive such requirements that require prohibitive reconstruction costs if such waiver does not alter the health and sanitation requirements herein provided.
- (3) At his discretion, the Building Inspector may issue a conditional license renewal, subject to the license holder complying with certain conditions as determined by the Building Inspector. In such a case, the Building Inspector shall list the specific conditions upon which the renewal is based and set a time for compliance with these conditions. Costs associated with enforcement of owner compliance with said specific conditions requiring correction shall be assessed by the Building Inspector. If not in compliance, Twenty-Five (\$25.00) Dollars per inspection shall be assessed; said charge shall be in addition to any license fee or penalty.

- (4) If the Building Inspector does not act on an application for the renewal of a license by December 31, it shall automatically be approved.
- (5) Not more than four (4) annual license renewals shall be issued for an approved mobile home park in which no substantial development has taken place.

(d) License Fee.

- (1) The annual license fee for each mobile home park shall be One Hundred (\$100.00) Dollars, or Two (\$2.00) Dollars for each approved lot in the mobile home park, whichever is greater. A check in that amount, made payable to the City of Rochester, shall accompany the license application.

(e) Responsibility of the License Holder.

- (1) The license certificate shall be conspicuously posted in the office of, or on the premises of, the mobile home park at all times.
- (2) A license shall be transferable after the holder of a valid license gives notice in writing to the Building Inspector fifteen (15) days prior to any proposed sale, transfer, gift, or other disposition of interest or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park.

43.8 Administration.

(a) Enforcement.

- (1) Upon determination by the Building Inspector that a violation of this ordinance has occurred, he shall initiate enforcement procedures. If necessary, the Building Inspector shall refer the matter to the City Solicitor for appropriate legal action.

(b) Inspection.

- (1) The Building Inspector, Police Chief, Health Officer, Fire Chief, Commissioner of Public Works, the Zoning Officer, and other agents of the City as certified by the Mayor, are hereby authorized to make periodic and

reasonable inspections to determine the condition of mobile home parks within the City of Rochester, and to determine if the requirements of this ordinance are being observed.

(c) Penalty.

- (1) A violation of, or variation from, the terms and conditions of this ordinance and/or the conditions of the license to operate or maintain a mobile home park by the holder thereof or his agent shall be cause for the revocation of said license. Such revocation shall be made at the discretion of the Building Inspector.
- (2) After revocation of the license has been ordered by the Building Inspector, additional violations shall result in a fine not exceeding \$1,000.00 in accordance with the provisions of RSA 47:17. This provision shall be in effect even should an appeal be taken from the Building Inspector's revocation order.

(d) Appeals.

- (1) Any party whose application for approval of a mobile home park plan has been denied may appeal the decision of the Planning Board to the Superior Court in accordance with the provisions of RSA 677:15.
- (2) Any party whose application for a license has been denied or whose license has been revoked may appeal the decision of the Building Inspector to the Zoning Board of Adjustment in accordance with the provisions of RSA 674:33.

(e) Conflict with Other Ordinances.

- (1) In any case where a provision of this ordinance is found to be in conflict with the provisions of any zoning, building, fire, safety, or health ordinance, or code of the State of New Hampshire or City of Rochester existing on the effective date of this ordinance, the provisions which, in the judgment of the Planning Board, establish the higher standard for the promotion and protection of the health and safety of the people shall prevail.

(f) Saving Clause.

- (1) If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

PASSED March 17, 1986

**AMENDMENT TO CHAPTER 40
INSPECTOR OF BUILDINGS, PLANS, REGULATIONS AND APPEAL**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 40 of the General Ordinances of the City of Rochester, as amended, be further amended by striking in its entirety the existing Chapter 40 and adopting a new Chapter 40, as amended at this meeting, as follows:

**TITLE III - BUILDING, PLANNING, AND ZONING
CHAPTER 40
INSPECTOR OF BUILDINGS, PLANS, REGULATIONS AND APPEAL**

SECTION ANALYSIS

- 40.1 Statutory Authority
- 40.2 Board of Appeal
- 40.3 Adoption of Building Code
- 40.4 Office of the Building Inspector
- 40.5 Adoption of Other Codes
- 40.6 Fire Code and Life Safety Code
- 40.7 Electrical Code and Property Maintenance Code
- 40.8 Plumbing Code
- 40.9 Floodplain Development Regulations
- 40.10 Right of Entry
- 40.11 Definitions
- 40.12 Penalties
- 40.13 Fire Limits Established
- 40.14 Access to Basements
- 40.15 Like Provisions
- 40.16 Permits
- 40.17 Prospective Application
- 40.18 Severability

40.1 Statutory Authority. The provisions of New Hampshire Revised Statutes Annotated 1984, Chapter 673, as amended, pertaining to an inspector of buildings, building plans, regulations, and appeal are hereby adopted.

40.2 Board of Appeal. The powers of a Board of Appeal, as provided in Chapter 673 of the New Hampshire Revised Statutes Annotated, shall be vested in the Rochester Zoning Board of Adjustment.

40.3 Adoption of Building Code. Pursuant to the provisions of RSA 47:22, there is hereby adopted by the City of Rochester for the purpose of establishing rules and regulations including permits for construction, alteration, removal, demolition, equipment, location, maintenance, use and occupancy of buildings and structures, installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto for the prevention of fires, that certain Building Code known as the BOCA Basic Building Code/1981 (Building Officials & Code Administrators International, Inc.). This Code is adopted save and except Section 117.4 and such other portions as are hereinafter deleted, modified, or amended. One copy of this Code has been and is now filed in the Office of the City Clerk of the City of Rochester and three copies with the Building Inspector of the City of Rochester, and the same are hereby adopted and incorporated as fully as if set out at length herein and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling on the construction of all buildings and other structures within the corporate limits of the City of Rochester.

40.4 Office of the Building Inspector. All references in the BOCA Basic Building Code 1981 Edition to the Office of Building Official shall be deemed to refer to the Office of the Building Inspector for the City of Rochester, and all duties as defined therein shall be assumed by said Building Inspector, along with the right to enforce same.

40.5 Adoption of Other Codes. Pursuant to the provisions of RSA 47:22, there are hereby adopted by the City of Rochester, including permits, for the construction, alteration, removal, demolition, equipment, location, maintenance, use and occupancy of buildings and structures, installation of plumbing, use of

concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto for the prevention of fires the following Codes, to wit: the 1981 edition of the BOCA Basic Fire Prevention Code, the 1976 edition of the Life Safety Code as published by the National Fire Protection Association, and the whole thereof, the 1984 edition of the National Electrical Code as published by the National Fire Protection Association, the 1981 edition to the BOCA Basic Housing Property Maintenance Code, the 1981 edition to the Basic National Plumbing Code as recommended by the Building Officials and Code Administrators International, Inc., and the New Hampshire Energy Code as amended 1985. One copy of each Code has been and is now on file in the Office of the City Clerk of the City of Rochester, and also three copies of the BOCA Basic Fire Protection Code and the 1976 Life Safety Code are filed with the Fire Chief of the City of Rochester, and three copies of the 1984 National Electrical Code and the 1981 BOCA Basic Housing Property Maintenance Code are filed with the Building Inspector for the City of Rochester. These Codes are hereby adopted and incorporated as fully as if set out at length herein and from the date on which the ordinance shall take effect, the provisions thereof shall be controlling on the construction of all buildings and other structures within the corporate limits of the City of Rochester.

40.6 Fire Code and Life Safety Code. The duties defined in and the enforcement of the 1981 BOCA Basic Fire Prevention Code and the 1976 Life Safety Code shall be assumed by the Fire Chief of the City of Rochester or his authorized representative.

40.7 Electrical Code and Property Maintenance Code. The duties defined in and the enforcement of the 1984 National Electrical Code and the 1981 BOCA Basic Housing Property Maintenance Code shall be assumed by the Building Inspector or his authorized representative.

40.8 Plumbing Code. The duties defined in and the enforcement of the 1981 BOCA Basic National Plumbing Code shall be assumed by the Building Inspector, except as otherwise provided in Chapter 16 of the Ordinances of the City of Rochester as defined as the duties of the Commissioner of Public Works, with inspections to be done by the Building Inspector or an authorized member of the Water or Sewer Department.

40.9 Floodplain Development Regulations. The following regulations shall apply to all lands designated as flood hazard areas by the Federal Emergency Management Agency in its "Flood Insurance Study for the City of Rochester, New Hampshire," together with the associated Flood Insurance Rate Maps and Flood Boundary and Floodway Maps of the City of Rochester, dated September 16, 1982, which are declared to be part of this ordinance.

(a) All proposed development in any special flood hazard area shall require a permit. The term "development" is defined to mean "any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations."

(b) The Building Inspector shall review all building permit applications for new construction or substantial improvements [meaning any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (A) before the improvement or repair is started, or, (B) if the structure has been damaged and is being restored, before the damage occurred] to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed [or modified] and anchored to prevent floatation, collapse, or lateral movement of the structure; (ii) use construction materials and utility equipment that are resistant to flood damage; and, (iii) use construction methods and practices that will minimize flood damage.

The term "substantial improvement" does not include either:

- (1) Any project for improvement of a structure in order to comply with existing State or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or,
- (2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

(c) Where new and replacement water and sewer systems

(including on-site systems) are proposed in floodprone areas, the applicant shall provide the Building Inspector with assurance that new and replacement sanitary sewage systems will be designed to minimize or eliminate infiltration of flood waters and on-site waste disposal systems be located to avoid impairment to them or contamination from them during flooding.

(d) The Building Inspector shall maintain for public inspection and furnish upon request, any certification of flood-proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest flood (including basement) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure was floodproofed. This information must be furnished by the applicant.

(e) The Building Inspector shall review proposed developments to assure that all necessary permits have been applied for and/or received from those governmental agencies from which approval is required by Federal or State Law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. It shall be the responsibility of the applicant to certify these assurances to the Building Inspector.

(f) In riverline situations, prior to the alteration or relocation of a watercourse, the applicant for such authorization shall notify the New Hampshire Office of State Planning and Wetlands Board and submit copies of such notification to the Building Inspector and the Federal Emergency Management Agency. Further, the applicant shall be required to submit copies of said notification to those adjacent communities as determined by the Building Inspector.

Within the altered or relocated portion of any watercourse, the applicant shall submit to the Building Inspector certification provided by a registered professional engineer assuring that the flood carrying capacity of the watercourse has been maintained.

The following requirements shall apply in specific zones designated on the Flood Insurance Rate Maps:

(g) In Unnumbered "A" Zones, as defined on the community's

Flood Insurance Rate Map, the Building Inspector shall obtain, review, and reasonably utilize any 100-year flood elevation data available from a Federal, State, or other source, until such other data has been provided by the Administrator, as criteria for requiring that (i) all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level and (ii) that all new construction and substantial improvements of non-residential structures have the lowest floor (including basements) elevated or floodproofed to or above the 100-year flood level.

(h) In Zones "A1 through A30," as defined on the community's Flood Insurance Rate Map, for new construction and substantial improvements, the Building Inspector shall require that:

- (1) Residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level.
- (2) Non-Residential structures have the lowest floor (including basement) elevated to or above the 100-year flood level; or, together with attendant utility and sanitary facilities, to be designated so that below the 100-year level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(i) In Zones "A1 through A30," where floodproofing is used in lieu of elevation, a registered professional engineer or architect shall certify to the Building Inspector that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood.

(j) In Zones "A1 through A30," for new, substantially improved, or expanded mobile home parks, and for mobile home placement not in existing mobile home parks, the Building Inspector shall require that:

- (1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the 100-year flood level;

- (2) Adequate surface drainage and access for a hauler are provided; and,
- (3) In the instance of elevation on pilings:
 - A. Lots are large enough to permit steps;
 - B. Piling foundations are placed in stable soil and are no more than ten feet apart; and,
 - C. Reinforcement is provided for pilings that extend more than six feet above the ground level.

(k) In Unnumbered "A" Zones and in Zones "A1 through A30," mobile homes shall be anchored to resist floatation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that (i) over-the-top ties be provided at each of the four corners with two additional ties per site at intermediate locations and mobile homes less than 50 feet long shall require one additional tie per side; (ii) frame ties be provided at each corner with five additional ties per side at intermediate points and mobile homes less than 50 feet long shall require four additional ties per side; (iii) all components of the anchoring system shall be capable of carrying a force of 4,800 pounds; and, (iv) any additions to the mobile home shall be similarly anchored.

40.10 Right of Entry. The Building Inspector, the Fire Chief, or their authorized representatives in the discharge of their official duties, and upon proper identification shall have authority to enter any building, structures, or premises at any reasonable hour.

40.11 Definitions. Where the word "municipality" is used in any code adopted herein, it shall be deemed to mean the City of Rochester. Where the words "corporate council" or "legal representative" are used in any code adopted herein, they shall be deemed to refer to the Rochester City Solicitor.

40.12 Penalties.

- (a) Any person who shall violate any provisions of any code adopted herein, or fails to comply therewith or with any requirements thereof, or who shall erect, construct, alter, or repair or has erected, constructed, altered, or repaired a building or structure or portion thereof in violation of a detailed

statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be punishable by a civil fine of not more than One Hundred Dollars (\$100.00) for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he is in violation thereof, whichever date is earlier. The owner of a building or structure or portion thereof or of the premises where anything in violation of this code shall be placed or shall exist, and an architect, building contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be punishable by a civil fine of not more than One Hundred Dollars (\$100.00) for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he is in violation thereof, whichever date is earlier.

(b) The imposition of the penalties herein prescribed shall not preclude the City Solicitor from instituting an appropriate action or proceeding to prevent any unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation or to prevent the occupancy of a building, structure, or premises, or portion thereof, or of the premises, or to prevent an illegal act, conduct, business or use in or about the premises.

40.13 Fire Limits Established. The fire limits for the City of Rochester are hereby established as those areas classified as Business 1 zones, Business 2 zones, and I-3 zones and adjacent to North and South Main Streets in Rochester proper and Main Streets in Gonic and East Rochester, so called, as shown on the Zoning Maps, as an overlay, adopted as part of the Zoning Ordinance, adopted on March 4, 1986, which are incorporated herein by specific reference thereto.

40.14 Access to Basements. Any new or remodeled commercial or other business building shall provide two means of access to the basement or cellar for firefighting purposes. Such access shall be either bulkheads or outside doors opening directly into a stairway leading to the basement or cellar. The location of required means of access to the basement or cellar shall be subject to the approval of the Fire Chief.

40.15 Like Provisions. When the provisions of any codes adopted herein cover essentially the same subject matter, the more restrictive provisions shall apply.

40.16 Permits. Permits shall be obtained from the Building Inspector for the construction, alteration, removal, demolition, or repair of any building or structure or for the installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto for the prevention of fires, including but not limited to swimming pools, signs, and fences, except that no permit shall be required for painting, papering, laying floors, or upkeep in maintenance of any structure. Separate permits shall be required for electrical or plumbing.

The following fees shall be charged for said permits, based upon the estimated cost of construction as presented to the Building Inspector upon application forms provided by him:

(a) On proposed work, the cost of which is estimated to be under \$100,000.00, the fee of Three Dollars (\$3.00) per thousand, or any portion thereof, with a minimum fee of Five Dollars (\$5.00).

(b) On proposed work, the cost of which is estimated to be in excess of \$100,000.00, the fee shall be as in (a) for the first \$100,000.00 plus Two Dollars (\$2.00) per thousand, or any portion thereof, for any estimated cost over \$100,000.00

(c) Each building permit shall expire twelve (12) months from the date of issuance unless renewed by the Building Inspector prior to the expiration date. Any renewal shall require reapplication and payment of required fees based on the remaining work to be done.

(d) The Building Inspector may issue no building permit until such other permits or approvals as may be required by any code, other ordinances, or State Senate have been acquired.

(e) A separate permit shall be required for staging, scaffolding, platforms, or other similar equipment, to be erected on private property, that is to be erected for a period exceeding thirty (30) days. Said permit shall expire twelve (12) months from the date of issue and all equipment shall be removed upon said expiration or upon completion of the work, whichever comes first. The fee for said permit shall be Five Dollars (\$5.00). The

City reserves the right to revoke, deny, or not reissue said permit if work required is not being actively pursued in a timely or otherwise reasonable manner.

(f) Fees for building permits shall be waived for a veteran of World War I, World War II, or the Korean and Vietnam Conflicts, who plans to construct or have constructed for himself a home or appurtenance to a home already owned by him for exclusive occupancy by himself and his immediate family.

40.17 Prospective Application. Nothing in this ordinance or in the codes hereby adopted shall be construed to affect any suit or proceeding now pending in any court or any rights acquired or liability incurred, nor any causes of action accrued or existing, under any act or ordinance repealed hereby, nor shall any right or remedy of any character be lost, impaired, or affected by this ordinance. This ordinance shall have prospective application only.

40.18 Severability. The invalidity of any section or provision of this ordinance or of the codes hereby adopted shall not invalidate any other sections or provisions thereof.

PASSED March 17, 1986

AMENDMENT TO CHAPTER 17 WATER

THE CITY OF ROCHESTER ORDAINS:

That Chapter 17 of the General Ordinances of the City of Rochester, as amended, be further amended by striking in its entirety the existing Chapter 17 and adopting a new Chapter 17 [excluding Section 17.30, Water Department Rates and Fees], as amended at this meeting, as follows:

CHAPTER 17 WATER

SECTION ANALYSIS

- 17.1 Agreement
- 17.2 Definitions
- 17.3 Policy Statement
- 17.4 Water Service Connection Required

- 17.5 Application for Service
- 17.6 Size of Service and Meter Required
- 17.7 Service Installation and Repair
- 17.8 Pipes and Fixtures
- 17.9 Meters
- 17.10 Meter Repairs
- 17.11 Meter Testing
- 17.12 Sealing of Meter
- 17.13 Inspection
- 17.14 Rates, Charges, and Fees
- 17.15 Establishment of Water Rates
- 17.16 Billing and Payment
- 17.17 Property Liens for Overdue Charges
- 17.18 Appeals
- 17.19 Agreements and Shutoffs
- 17.20 Miscellaneous Bills
- 17.21 Turning On and Off
- 17.22 Swimming Pools
- 17.23 Transfers
- 17.24 Violations
- 17.25 Interruption of Service
- 17.26 Claims for Damages and Liability
- 17.27 Utility Advisory Board
- 17.28 Rules Relating to Construction/Extension of Water Mains
- 17.29 Extension of Existing Water Mains in Accepted Roadways
- 17.30 Water Department Rates and Fees

17.1 Agreement. The following rules and regulations, and such regulations as may be hereafter established by the Water Department, shall be considered a part of the contract with every customer who uses water supplied by the Rochester Water Department, and such customer by taking water shall be considered as expressing his assent to be bound thereby.

17.2 Definitions. As used in this ordinance, the following words and terms shall have the meaning set forth below:

- (a) Application for Water Service. The form signed by the owner or his designated representative to obtain water from the distribution water mains which will become the contract between the Water Department and the applicant.
- (b) City. The City of Rochester, New Hampshire.

(c) Customer. The party who has made an application for a water service for the dwelling unit described in the application, or the subdivision supplied with water service by the City of Rochester, or the owner or agent thereof for the property being serviced. This includes any private person, commercial business, corporation, industry or governmental division.

(d) Distribution Water Main. Water mains which are installed or presently located in roadway layouts, rights-of-way, or easements which provide the water for fire protection or water services including the individual shutoff.

(e) Dwelling Unit. A single-family home, cottage, mobile home, apartment, condominium, townhouse, group of rooms, or single room when used as separate living quarters.

(f) Replacement Costs. Expenditures for obtaining and installing equipment, accessories, or appurtenances which are necessary during the useful life of the treatment works to maintain the capacity and performance for which such works were designed and constructed. The term "operation and maintenance" includes replacement costs.

(g) Utility Advisory Board. The Utility Advisory Board of the City of Rochester, New Hampshire.

(h) Water Department. The Water Department of the City of Rochester, New Hampshire, as represented by its Utility Advisory Board, Superintendent, Office Manager, or duly authorized employee or agents.

(i) Water Meter. A device installed by the Water Department for the measurement of water quantities to be used as a basis for determining charges for water services.

(j) Water Rates and Charges. A separate listing of all deposits, water rates, charges, and violation fees can be obtained from the Water Department.

(k) Water Service. The pipe extending from the distribution water main to the customer's building or meter up to and including the meter.

17.3 Policy Statement.

(a) With a flat rate billing system, each unit of a multi-unit

dwelling shall be considered a residential customer. The property owner shall be billed for each dwelling unit even if the building has only one service or meter (i.e., the owner of a 10-unit apartment building shall be billed the residential flat rate x 10).

(b) Commercial and industrial customers shall be billed separately for each business within a structure. The City may use an estimated rate only if a meter reading is unavailable; said estimated rate shall not be less than any residential flat rate in existence at the time of billing.

(c) All school buildings, non-city community facilities, hospitals, etc. shall be considered separate service, metered and billed as commercial customers.

(d) All customers shall be billed quarterly.

(e) In agreement with any like provision in Chapter 16, Sewer Use Ordinance, an elderly exemption, based on existing property tax requirements for such exemptions, shall be instituted.

(f) There shall be a refund credit policy for existing residential, customer-owned meters. Based on a ten (10) year life expectancy, the owner of said meter shall be credited at ten percent (10%) of the original purchase price for each year of the remaining life of the meter.

(g) With a flat rate billing system, condominium owners, cluster housing owners, and individual owners of mobile homes located in a mobile home park shall be billed individually. Upon institution of a metered billing system, mobile home parks, existing condominiums, and cluster housing shall be metered as one customer and shall be billed to the owner and/or other appropriate legal entity. New condominium and cluster housing customers shall be metered individually. These facilities shall be considered residential customers.

(h) For any commercial or industrial customer not presently metered, the installation of a meter will be considered. The customer shall pay any costs associated with such installation.

17.4 Water Service Connection Required. The owners of all houses, buildings, or property used for human occupancy,

employment, recreation, or other purposes, situated within the city and abutting on any street, alley, or right-of-way in which there is located the public water system of the city, is hereby required at the owner(s) expense to connect such house, building, or other property directly with the public water system of the city, in accordance with the provisions of this ordinance, within ninety (90) days after the date of official notice to do so, provided that said public water system is within two hundred (200) feet of said house, building, or property.

17.5 Application for Service. All applications for the use of water must be made at the Water Department Office on a work order form, stating fully and truly the uses to which the water is to be applied. Such applications must be signed by the customer, or his duly authorized agent. A deposit shall be made with each application before work is begun on a new service, to be applied against the cost of the work necessary to successfully serve. Actual costs will be determined upon completion of the work and the customer charged or refunded as the case may be. Installation charges on all new services must be paid before the water is turned on. This regulation also applies to repairs on service piping, the setting of new meters, or the repair of meters already installed if damaged due to the negligence of the owner. All financial obligations involved in such transactions shall be adjusted immediately upon the completion of the work in the interests of all parties involved.

17.6 Size of Service and Meter Required. The minimum size of service connections and meter installation permitted shall conform with the recommendations of the American Water Works Association.

17.7 Service Installation and Repair. The Water Department or its agent shall install all new water services, and meters, and make all necessary repairs to existing services. The cost incurred for the repair and maintenance of all existing water services shall be the responsibility of the Water Department. If new services are installed by a developer or property owner, the Water Department must approve all materials, inspect the installation, provide and install the meter, and do the water main service tapping. All charges incurred during this work are the responsibility of the developer or property owner.

Any contractor or company installing or repairing any portion of the water system must receive written authorization from the City of Rochester and provide a performance bond or escrow account in the name of the City for the total (100 percent) of the estimated cost of the work.

The Water Department and its agents shall have an easement ten (10) feet on each side of the water service for its entire length for the installation or repairs of the service.

The customer shall be charged for all materials and labor associated with the initial installation or subsequent repairs due to negligence of the customer. The Water Department shall do its best to return the easement to its prior condition; however, it will be the customer's responsibility to repair and replace any damaged property within the aforementioned easement.

Ordinarily, no new service pipes or extensions of mains will be installed between December 1 and March 31 unless the customer shall defray all extra expenses incurred. An additional minimum charge of Two Hundred (\$200) Dollars shall be applied to the customer for road maintenance during these winter conditions if service or extension is allowed.

17.8 Pipes and Fixtures. No persons except those duly authorized by the Water Department, will tap any water main or connect any service pipes thereto. No unauthorized person shall shut off or turn on the water from any main within the street lines. No person except firemen shall open any hydrants without the consent of the Water Department. Water taken out of the system without permission will be calculated by the Water Department and the violator will be required to pay same and, in addition, be subject to a fine for the violation of above provision.

Notice of shutoff for repairs to mains or service pipes will be given when practicable.

Customers desiring more than one service pipe on the same premises shall pay all costs in connection therewith.

No water service pipes shall be laid in the same trench with gas pipes, sewer pipes, or any other facility of a public utility nor within three (3) feet of any open excavation or vault.

No cross connection between the public water system and any non-potable supply will be allowed unless properly protected. No

connection capable of causing back flow between public water supply and any waste outlet will be permitted. The City of Rochester's Cross Connection Control Ordinance, when adopted, should be consulted for further requirements.

17.9 Meters. All services are to be metered. Every owned structure or unit shall be metered. A common meter will be provided for rented units. All meters will be purchased, installed, and maintained by the Water Department, but the customer will be charged for any damage to meters caused by abnormal conditions, i.e., freezing, fire, tampering, etc. The Water Department will set only one meter on any one service and the owner of the premises shall be liable for the entire amount of water used on the premises irrespective of leases of individual consumers.

Meters installed for measurement of all water supplied to consumer. Customers shall provide a clean, dry, warm, and accessible place for installation of a meter.

All persons shall avoid unnecessary waste of water. Water shall not be left running to prevent freezing unless required by the Water Department. All customers taking water must keep their own fixtures, and the service pipes within their own premises, in good repair, and fully protected from injury by frost and all such pipes and connections shall conform to the Rochester Plumbing Code.

When water passes through a meter it may be used for any and all purposes, but no consumer shall supply water through his meter to parties outside his own premises. When water passes through the meter it becomes the property of the owner of the premises.

17.10 Meter Repairs. All meters, which must be installed by the Water Department, will be kept in repair by the Water Department except when injured or damaged by the customer or by his negligence, including freezing. In case of any such damage, the cost of repairs shall be charged to the owner of the premises.

If the meter is out of repair or fails to register, the customer will be charged at the average daily consumption as shown by the meter when in order or the flat rate structure, whichever is less.

No person, except the duly authorized agent of the Water Department shall be allowed to set, take off, or repair a meter.

17.11 Meter Testing. The Water Department shall replace or remove and test all meters. The larger size meters may be tested in place after installation and should be tested every three (3) years. No meter shall be placed in service or permitted to remain in service if the error of registration exceed two percent (2%). The Water Department may test a meter for accuracy in registration upon complaint of the water consumer.

The percent of error of registration shall be taken as the average of the error at the intermediate and maximum rates of test flow. Any determination of charges shall be based on this average error.

17.12 Sealing of Meter. Upon completion of adjustment and test of any meter under the provisions of these rules, the Water Department shall affix thereto a suitable seal in such a manner that the adjustment of registration of the meter cannot be tampered with without breaking the seal. Disruption of the seal will be cause for discontinuance of service.

17.13 Inspection. The Water Department employees or its agents, or in the case of an appeal, the Utility Advisory Board, shall be allowed access to the customer's premises between the hours of 8:00 A.M. and 6:00 P.M. for examination of pipes, fixtures, connection, the quality of water used, and the manner of use. In case of an emergency, no prior notice needs to be given and, in the event of refusal of entry, water may be shut off and application can be made to the courts for an appropriate order with all legal costs being charged to the customer.

17.14 Rates, Charges, and Fees. A separate listing of all deposits, water rates, charges, and violation fees can be obtained from the Water Department.

17.15 Establishment of Water Rates. Water rates shall be established periodically by the City Council. Such water rates shall be computed based on the total amount budgeted for Water Department operations and maintenance, plus any debt service and capital outlays determined by the City Council, and projections of estimated water consumption, number of accounts, and/or other such factors. Minimum or service charges may be adopted at any time by the City Council. Water rates shall be recommended to the City Council by the Utility Advisory Board and shall be

established to provide the sufficient revenue to at least pay the expenses of operating and maintaining the water treatment works, transmission and distribution system, and appurtenant facilities.

(a) Exemptions. The City Council may authorize elderly exemptions for users qualifying for property tax exemptions in the City, but such exemptions shall not result in charges lower than those necessary to recover operation and maintenance costs. Only the portion of the water rates that recovers the debt service on capital outlays may be exempted.

(b) Implementation of New Rates. Before new rates are effective, there shall be two (2) readings before the City Council. In addition, a public hearing shall be held between the first and the second readings. The public hearing shall be held at least ten (10) calendar days before the rates are effective.

17.16 Billing and Payment. The schedule of billing and due dates is as follows:

<u>Billing Date</u>	<u>Due Date</u>
March 1	March 30
June 1	June 30
September 1	September 30
December 1	December 30

Water bills will be rendered quarterly for all customers. Water bills are due and payable upon presentation and become delinquent after thirty (30) days. Interest shall accrue on bills not paid when due at the same rate charged by the City for overdue property tax bills. Seasonal customers will not be eligible for service unless the previous year's bill has been paid in full.

Checks shall be made payable to the City of Rochester and mailed to the Tax Collector's Office in City Hall. Remittances sent by mail are at the sender's risk, and if receipts are desired, a stamped, self-addressed envelope must be sent with the remittance. When bills are overdue, the customer will be sent a notice. Bills not paid when due become a lien on the property by New Hampshire Statute.

The failure of a customer to receive water bills does not relieve customer of the responsibility of making prompt payment.

The Water Department, in supplying water, doing work, or furnishing material shall deal with only the customer and the premises, and such customer shall keep the department advised of the address to which bills, notices, and communications may be forwarded. Although the payment for service rates may be assumed by an agent or tenant, the customer of the premises will be held personally responsible for the same. A change in ownership will not relieve the premises from payment of back bills; in case of forfeiture, the water may be shut off and will not be turned on again until all unpaid charges have been settled in full. A water shutoff notice will be delivered to the customer prior to shutoff. [See Section 17.19].

17.17 Property Liens for Overdue Charges. Overdue water bills shall become a tax lien.

17.18 Appeals. Users aggrieved of bills rendered under this ordinance have the following rights of appeal:

(a) Notification. The aggrieved user shall notify the City Business Office in writing that said bill is contested before payment is due. The notification shall explain why the bill is contested and provide the information necessary to determine the validity of the claim. The City Business Administrator may require the use of forms to expedite the appeals process.

(b) Resolution. Upon receipt of a notification under Section 17.18(a), the Business Administrator shall submit the claim to the Utility Advisory Board with a recommendation on the validity of the claim. The Utility Advisory Board shall act on all appeals received at its next regularly scheduled meeting. The determination of the Utility Advisory Board shall be final, except that the Mayor shall have the authority to veto any action of the Utility Advisory Board.

(c) Disposition of Appeals. For appeals found to be valid, the date of the billing shall be revised to the date of the Utility Advisory Board's decision. Revised charges shall become due and payable as specified in Section 17.16. For appeals not found to be valid, the date of the billings shall be as originally issued, and charges and interest shall be as computed as specified in Section 17.16.

17.19 Agreements and Shutoffs. An agreement between the City

Business Administrator and the customer may be signed, on a form provided in the Business Office, if the customer is unable to satisfy his water bill in full at the due date. A water shutoff notice and agreement procedure shall be established by the Business Administrator and approved by the Mayor. Unpaid bills of over thirty (30) days for water and sewer shall constitute cause for water shutoff.

17.20 Miscellaneous Bills. Charges for labor and material, including installation costs, shall be billed upon completion of the work which the bill covers. If such bills are not paid within thirty (30) days, the water will be shut off or become a lien on the property, or both. All late payments shall include interest charges. Collection procedures will be taken and any costs will be charged to the customer.

17.21 Turning On and Off. Twenty-four (24) hours advance notice is required for turning on and shutting off water. The requested service will be provided as soon as possible thereafter. All expenses involved will be the responsibility of the customer. Over-time charges at the rate of time and one-half will be charged before or after duty hours, with a minimum of a three (3) hour charge.

17.22 Swimming Pools. The Water Department does not use its equipment to fill private swimming pools. Private companies must obtain written authority from the Water Department to use water from the water system. All costs associated with this use of water will be included in the estimated fee paid in advance.

17.23 Transfers. On sale or transfer of property, notification of such sale or transfer must be given to the Water Department Office by the customer in order that a final meter reading can be taken and proper changes made to the proper owner. A minimum of twenty-four (24) hours notice is required. If an apartment building, or other structure, or dwelling unit becomes a condominium, notification must be given to the Water Department in writing. The new owner shall complete a water service application and be responsible for any fees or charges from the Water Department and any private plumber necessary to provide a separate service and meter.

17.24 Violations. Should any customer violate any regulations

established by the Water Department, or fail to pay rates or other charges when due, his supply shall be shut off, or terminated, and it shall not be resumed until causes of complaint are removed and/or all charges paid.

Any violation of the rules and regulations hereby established, or failure on the part of any customer taking water to promptly pay any and all claims of the department, shall be considered sufficient cause for cutting off the water supply of such customer and such supply shall not be turned on again until all such cause of complaint shall have been removed, including any additional work or costs incurred for the turning on of the water.

Where two or more customers take water through one service pipe, the provision in regard to cutting off the supply shall be applicable to all such customers although one or more of them may be innocent of any cause of offense.

17.25 Interruption of Service. The Water Department reserves the right to shut off the service temporarily whenever it becomes necessary to make extensions, alterations, or repairs, or to curtail the use of water whenever conditions so require.

17.26 Claims for Damages and Liability. The Water Department will not be responsible for any damage caused by shutoffs in the mains or service pipes, because of shortage of supply, setting or removing meters, repairs, construction, or for other reasons beyond the control of the department. No refunds to customers will be made unless the interruption is in effect for a continuous period in excess of ten (10) days, in which a proportional refund will be made. Notice of shutoff will be given when practicable; however, nothing in this rule shall be construed as requiring the giving of such notice. The Water Department will not be liable for any damages resulting from leakage escaping from any part of the owner's system.

All customers having direct pressure hot water tanks or appliances must place proper automatic vacuum and relief valves in the pipe system to prevent any damage to such tanks or appliances should it become necessary to shut off water on the street mains or service pipe. Service will be provided to such direct pressure installations only at the customer's risk and in no case will the Water Department be liable for any damage occasioned thereby.

17.27 Utility Advisory Board.

(a) Function of the Board. The Utility Advisory Board shall periodically make recommendations to the City Council on the level of water rates to be established under this ordinance, but such recommendations are not binding on the City Council. The Utility Advisory Board shall determine the method of assessment for different users or classes of users, rule on appeals of user charges under Section 17.18, and approve water metering devices under Section 17.9.

(b) Membership. The Utility Advisory Board shall consist of five (5) members. Such members shall be nominated by the Mayor and appointed by the City Council.

(c) Term. When the Utility Advisory Board is initially established, one member shall be appointed for a one (1) year term, one member for a two (2) year term, one member for a three (3) year term, one member for a four (4) year term, and one member for a five (5) year term. Thereafter, members shall serve a term of five (5) years from the date of appointment.

(d) Vacancies. Vacancies on the Utility Advisory Board shall be filled in the same manner that members are appointed under Section 17.27(b). The term of a member appointed to fill a vacancy shall be equal to the remaining term of the member being replaced.

(e) Administrative Actions. The Mayor shall have the authority to veto any action of the Utility Advisory Board.

17.28 Rules Relating to Construction/Extension of Water Mains.

Applications for the construction/extension of water mains shall be in the form of a petition addressed to the Mayor and the City Council in compliance with the rules established by the Public Works Department.

The Council may require that a petitioner file with the City Clerk such rights-of-way, releases, performance surety, or any other instruments reasonably consistent for any such construction, and the City of Rochester shall be grantee, guaranteed insured, or payee of any such instrument.

The petitioner shall pay full costs for any such construction of water main and installation and full title to the same shall, upon

acceptance by the City Council, be the property of the City of Rochester. All construction of water mains shall be under the direct supervision of the Water Department.

17.29 Extension of Existing Water Mains in Accepted Roadways.

An alternative method for the extension of existing water mains in accepted roadways may be approved by a vote of the City Council.

Where the construction and installation of water mains is to be made in and upon existing streets and roads, and the public good requires it and/or undue hardships would result if cash payment were made, then and in such case the City of Rochester may pledge its credit through the issuance of bonds, and pay the full costs. The proportionate share of each abutter along the line of construction and installation based on the actual cost of construction per running foot when petition, application, or late petition is made and granted, shall become a lien on such abutting property as real estate taxes until payment of said proportionate share of full costs, including financing, is made.

Payment may be as follows:

(a) Petitioners, applicant, or late petitioner may pay his proportionate share in cash for the full amount, at the time the obligation is incurred; or,

(b) Enter into an agreement with the City of Rochester that said proportionate share of all costs may be paid in equal installments over a period of time equal to the term of the bond or a lesser period. Such agreement is to be recorded with the Strafford County Register of Deeds at the expense of the petitioner, applicant, or late petitioner. In the event property is conveyed, the new owner(s) will be responsible for all unpaid bills and liens.

(c) That all the funds relating to water extensions under these provisions be placed in a special fund for payment of bonds, interest, and charges pertaining thereto.

Any petitioner, applicant, or late petitioner dissatisfied with the determination of his proportionate share of costs may appeal said assessment as outlined in Section 17.18 and Section 17.19.

PASSED March 17, 1986

AMENDMENT TO CHAPTER 17 WATER

THE CITY OF ROCHESTER ORDAINS:

That Chapter 17 of the General Ordinances of the City of Rochester, as amended, be further amended by adopting Section 17.30, Water Department Rates and Fees, as amended at this meeting, to apply to all water charges as provided for in said Chapter, as follows:

17.30 Water Department Rates and Fees.

(a) Quarterly Water Rates.

- (1) Residential Customers: \$64.00 per unit
- (2) Residential Customers
with exemption: \$27.50 per unit
- (3) Commercial and Industrial
Customers: \$2.30 per 100 cu. ft. or
\$64.00, whichever is greater.

(b) Fees.

- (1) Installation: A minimum of \$300.00 or estimated cost of installation, in advance. Between December 1 and March 31, an additional \$200.00 fixed charge will be assessed.
- (2) Bad Check: \$5.00.
- (3) Service Reactivated Following Payment when Shutoff Due to Non-Payment: \$40.00.
- (4) Service Shutoff or Turn-On by Request: \$20.00 per visit.
- (5) Temporary Service: See Installation Fees; water used will be billed accordingly.
- (6) Private Fire Protection Service: See Installation Fees.
- (7) Swimming Pools: Fee based on volume used, times unit rate.
- (8) Meter Repair or Testing: No charge.

(9) Meter Damage: \$50.00.

(10) Backflow Prevention Devices: All costs associated with installation, repair, or inspection paid by owner.

(11) Violations. All costs to correct violation paid by owner.

Effective Date of Rates and Fees: March 17, 1986.

PASSED March 17, 1986

AMENDMENT TO CHAPTER 16 SEWER USE ORDINANCE

THE CITY OF ROCHESTER ORDAINS:

That Chapter 16 of the General Ordinance of the City of Rochester, as amended, be further amended by adopting new Section 16.15, Wastewater User Charges, as amended at this meeting, to apply to all sewer use charges as provided for in said Chapter, as follows:

16.15 Wastewater User Charges.

A. <u>Wastewater User Charges</u>	FY 1986	FY 1987
<u>Industrial/Commercial Users</u>		
Rate per 100 cu. ft. water use:	\$ 0.57 or \$23.38 which- ever is greater	\$ 0.72 or \$28.77 which- ever is greater
<u>Flat Rate for Residential Users</u>		
Quarterly Charge:	\$23.38	\$28.77
Quarterly Charge w/exemption:	\$13.12	\$19.00
<u>B. High Strength Surcharges</u>		
BOD (per lb)	\$ 0.09	\$ 0.09
SS (per lb)	\$ 0.08	\$ 0.08
<u>C. Septage Discharge</u>		
Per 1,000 gal. or portion thereof:	\$14.00	\$14.00

NOTE: FY 1986-87 is the expected first full year of operations for the new treatment facilities. FY 1985-86 includes one-half year of the new facilities operations.

FY 1986 Effective Date for Rates: March 17, 1986.

FY 1987 Effective Date for Rates: July 1, 1986.

PASSED March 17, 1986

AMENDMENT TO CHAPTER 18 PLUMBING AND PLUMBERS

THE CITY OF ROCHESTER ORDAINS:

That Chapter 18 of the General Ordinances of the City of Rochester, as amended, entitled Plumbing and plumbers, be stricken in its entirety.

PASSED April 1, 1986

AMENDMENT TO ZONING ORDINANCE

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester as presently enacted be amended as follows:

That Chapter 42, Section 42.2 of the General Ordinances of the City of Rochester, entitled "Zoning Districts and Zoning Map", be amended by adding to Subsection (b) thereof, the following subparagraph:

"(1) Amendment Relating to Area Northeasterly of Route 202A and Bordering on the Sampson Road. That the following described area be reclassified from an "A-Agricultural Zone" classification to an "R-1-Residence 1 Zone" classification: Beginning at the intersection of the northerly sideline of Route 202A with the center line of the Ricker Brook; thence running in a general northerly and northeasterly direction along the center line of Ricker Brook to its intersection with the southerly boundary of the land now owned by Public Service Company of New Hampshire; thence turning and running in a general easterly direction along the southerly boundary of land of Public Service Company of New Hampshire, crossing the Sampson Road, to a point 1,500 feet from the easterly sideline of Sampson Road,

thence turning and running in a general southerly direction on a line parallel with the easterly sideline of Sampson Road and a distance of 1,500 feet easterly therefrom, to a point on the northerly sideline of Route 202A, said point being 1,500 feet from the easterly sideline of Sampson Road; thence turning and running in a general northerly direction by the northeasterly sideline of Route 202A to the point of beginning.

PASSED June 3, 1986

RESOLUTIONS ADOPTED BY THE ROCHESTER CITY COUNCIL FISCAL YEAR 1985-86

RESOLUTION ESTABLISHING POLLING HOURS AND POLLING PLACES

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the following polling places are hereby established for the November 5, 1985 Municipal Election and for the December 2, 1985 Special Mayoral Run-Off Election, if the latter election is necessary:

- Ward 1: New East Rochester School Gymnasium, Portland Street
- Ward 2: Army Reserve Center, Rochester Hill Road
- Ward 3: McClelland School Gymnasium, Brock Street
- Ward 4: National Guard Armory, Brock Street
- Ward 5: Elk's Lodge #1393, Columbus Avenue

Further, that all polling places shall be open from 10:00 A.M. to 7:00 P.M. on said election days.

PASSED September 3, 1985

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR SCHOOL DEPARTMENT

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Twenty-five Thousand Four Hundred Fifty Dollars (\$25,450.00) is hereby appropriated as a supplemental appropriation to the 1985-86 School Department fiscal year budget. The sum of Twenty-two Thousand Three Hundred Thirty-three Dollars (\$22,333.00) is to come from the New Hampshire Job Training Program and the sum of

Three Thousand One Hundred Seventeen Dollars (\$3,117.00) is to come from the Block Grant Program. Said expenditure is to be 100% reimbursed to the City by the New Hampshire Job Training Council and the State of New Hampshire Block Grant Funds.

PASSED October 1, 1985

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR SCHOOL DEPARTMENT

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Thirty-three Thousand (\$33,000.00) Dollars is hereby appropriated as a supplemental appropriation to the 1985-86 School Department fiscal year budget. Said expenditure is to be 100% reimbursed to the City by the New Hampshire Job Training Council.

PASSED November 6, 1985

RESOLUTION REAFFIRMING LAND TRANSFER

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the prior vote of the Rochester City Council on April 2, 1985 approving a land exchange between the City and Sansoucy Realty Trust is hereby amended to authorize the exchange to be between the City and SRT Associates Limited Partnership.

PASSED November 6, 1985

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Seventy-nine Thousand, Three Hundred Seventy-three (\$79,373.00) Dollars is hereby appropriated as a supplemental appropriation to the 1985-86 City Operating Budget. Said appropriation to provide for Forty Thousand (\$40,000.00) Dollars for the general insurance category and Thirty-nine Thousand, Three Hundred Seventy-three (\$39,373.00) Dollars for the long-term debt category. The total amount is to come from the undesignated surplus account at the end of the fiscal year.

PASSED December 3, 1985

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Twelve Thousand Eighteen (\$12,018.00) Dollars is hereby appropriated as a supplemental appropriation to the 1985-86 School District Budget. Said appropriation to provide for Three Thousand One Hundred Fifty (\$3,150.00) Dollars for Driver Education and Eight Thousand Eight Hundred Sixty-eight (\$8,868.00) Dollars for Public Law 94-142 (Special Education) and Adult Education. The total amount is to be 100% reimbursed on the revenue side of the School Budget.

PASSED December 3, 1985

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR SCHOOL DEPARTMENT

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Twenty-four Thousand Eight Hundred Sixty (\$24,860.00) Dollars is hereby appropriated as a supplemental appropriation to the 1985-86 School Department fiscal year budget. Said expenditure is to be 100% reimbursed to the City by the New Hampshire Job Training Council.

PASSED February 4, 1986

PROCLAMATION FAIR HOUSING MONTH

WHEREAS, equal access to housing for all people represents an expression of the principle of equality fundamental to our nation; and,

WHEREAS, barriers that diminish the rights and limit the options of any citizen will ultimately diminish the rights and limit the options of all; and,

WHEREAS, fair housing is the policy of Rochester, and implementation of that policy requires the positive commitment, involvement and support of each one of our citizens; and,

WHEREAS, it is necessary from time to time to reaffirm our commitment to ensure equal opportunity in housing for all persons; and,

WHEREAS, the month of April is traditionally designated as Fair Housing Month;

NOW THEREFORE, I, Richard P. Green, Mayor of the City of Rochester, do hereby proclaim the month of April as:

FAIR HOUSING MONTH

and ask the citizens of Rochester to practice the letter and spirit of the Fair Housing Law.

PASSED March 4, 1986

RESOLUTION REGARDING CODIFICATION OF ORDINANCES

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the City Clerk, with the assistance of the City Solicitor, be and hereby is authorized to recodify the provisions of Chapter 42, Zoning, of the General Ordinances of the City of Rochester as adopted this March 4, 1986, so that the codification system employed in such Chapter shall be consistent with the codification system presently utilized in the General Ordinances of the City of Rochester.

PASSED March 4, 1986

RESOLUTION REGARDING CODIFICATION OF ORDINANCES

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the City Clerk, with the assistance of the City Solicitor, be and hereby is authorized to recodify the provisions of Chapter 43, Mobile Home Park Ordinance, and Chapter 40, Inspector of Buildings, Plans, Regulations and Appeal, of the General Ordinances of the City of Rochester as adopted this March 17, 1986, so that the codification system employed in such Chapters shall be consistent with the codification system presently utilized in the General Ordinances of the City of Rochester.

PASSED March 17, 1986

**RESOLUTION REGARDING PROPERTY TAX
EXEMPTION FOR THE BLIND**

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the City of Rochester hereby adopts the provisions of RSA 72:37

regarding the property tax exemption for the blind up to the maximum value of \$15,000.00.

PASSED March 17, 1986

RESOLUTION AUTHORIZING TRANSFER OF FUNDS

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the respective sums of (a) Twenty Thousand (\$20,000.00) Dollars currently appropriated in the Recreation Department Capital Improvements Budget line item for the 1983-84 fiscal year for tennis courts; (b) Ten Thousand (\$10,000.00) Dollars currently appropriated in the Recreation Department Capital Improvements Budget line item for the 1984-85 fiscal year for tennis courts; and, (c) Fifteen Thousand (\$15,000.00) Dollars currently appropriated in the Recreation Department Capital Improvements Budget line item for the 1985-86 fiscal year for tennis courts shall be transferred to a new line item in the Recreation Department Capital Improvements Budget for the respective fiscal years 1983-84, 1984-85, and 1985-86 for a running track, and such sums are hereby approved as appropriations for the respective fiscal years noted herein.

PASSED March 17, 1986

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR SCHOOL DEPARTMENT

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Sixty-seven Thousand Seven Hundred Eighty-three (\$67,783.00) Dollars is hereby appropriated as a supplemental appropriation to the 1985-86 School Department fiscal year budget. Said expenditure is to be 100% reimbursed to the City by federal funds for Vocational Education.

PASSED March 17, 1986

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Five Thousand Five Hundred (\$5,500.00) Dollars is

hereby appropriated as a supplemental appropriation to the 1985-86 City Budget. Said appropriation to provide for Four Thousand Five Hundred (\$4,500.00) Dollars for the Planning and Development Department and One Thousand (\$1,000.00) Dollars for the Building Inspector's Office. The total amount is to come from the undesignated surplus at the end of the fiscal year.

PASSED April 1, 1986

**RESOLUTION AUTHORIZING PURCHASE OF
LAND ON THOMAS STREET**

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the sum of Ten Thousand Dollars (\$10,000.00) is hereby authorized for payment to Mrs. Jean Edgerly for the purchase of a parcel of real estate located at the terminus of Thomas Street to be used for construction of a sewer pumping station. Further, that the Mayor be authorized to accept the deed on behalf of the City, with said expenditure coming from the Capital Budget for the 1985-86 sewer projects.

PASSED April 1, 1986

**RESOLUTION AUTHORIZING PLANNING BOARD
TO EXERCISE SUBDIVISION AND SITE REVIEW AUTHORITY**

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

WHEREAS, the Rochester City Council, by resolution adopted September 5, 1961 and subsequently reaffirmed by resolutions adopted July 6, 1965 and August 3, 1971, authorized the Rochester Planning Board to regulate the subdivision of land within the City of Rochester in accordance with applicable state statutes; and,

WHEREAS, the Rochester City Council, by resolution adopted October 7, 1980, empowered the Rochester Planning Board to review and approve or disapprove site plans for the development of tracts within the City of Rochester for non-residential uses, or for multi-family dwelling units, which are defined as any structures containing more than two dwelling units, whether or not such development includes a subdivision or re-subdivision of the site; and,

WHEREAS, subsequent to such actions the State of New Hampshire

as recodified the statutes governing the authority of municipalities to regulate the subdivision of land and to review and approve or disapprove site plans for the development of land; and,

WHEREAS, the City of Rochester on March 4, 1986 adopted a new zoning Ordinance known as Chapter 42 of the General Ordinances of the City of Rochester; and,

WHEREAS, the Planning Board of the City of Rochester is in the process of adopting new Land Subdivision Regulations and Site Plan Review regulations pursuant to such recodified state statutes and new Chapter 2 of the General Ordinances of the City of Rochester;

NOW THEREFORE, the Mayor and City Council of Rochester, pursuant to the authority granted by RSA 674:35-42 and RSA 674:43-44, resolve as follows:

THAT the Planning Board of the City of Rochester is hereby authorized and empowered to approve or disapprove, in its discretion, plats and to approve or disapprove plans showing the extent to which and the manner in which streets within subdivisions shall be graded and improved and to which streets, water, sewer and other utility mains, piping, connections and other facilities within subdivisions shall be installed, in accordance with the provisions of RSA 674:35-42;

THAT the Planning Board of the City of Rochester is hereby authorized and empowered to review, and approve or disapprove site plans for the development of tracts for non-residential uses, or for multi-family dwelling units, which are defined as any structures containing more than two dwelling units, whether or not such development includes a subdivision or resubdivision of the site, pursuant to the provisions of RSA 674:43-44;

THAT the City Clerk is hereby ordered, pursuant to the provisions of RSA 674:35, II and RSA 674:43, II to file with the Strafford County register of Deeds a certified copy of this resolution indicating that the Rochester Planning Board's authority relative to subdivisions and site review established on aforementioned dates is hereby reaffirmed.

PASSED May 6, 1986

RESOLUTION TO APPROVE COMMUNITY DEVELOPMENT BUDGET

That a twelve (12) month Community Development budget in the total amount of Two Hundred Seven Thousand Dollars (\$207,000.00) is hereby approved for the period beginning July 1, 1986 and ending June 30, 1987.

This budget may be reconsidered if Federal funding is changed or if it is inconsistent with the total budget adopted for the Department of Planning and Development.

PASSED June 3, 1986

RESOLUTION TO APPROVE OPERATING BUDGET

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That a twelve (12) month operating budget in the total amount of Seventeen Million Nine Hundred Eighty-five Thousand Nine Hundred Sixteen Dollars (\$17,985,916.00) is hereby approved for the period beginning July 1, 1986 and ending June 30, 1987.

The School District budget figure of Ten Million Three Hundred Forty-five Thousand Four Hundred Twelve Dollars (\$10,345,412.00), which is included in the above total, is approved by the City Council.

This budget may be reconsidered before the tax rate is set if City, School, and County revenues are changed by the State of New Hampshire or by the Federal Government.

Included in this budget shall be an expenditure of Sixty-seven Thousand Four Hundred Seven Dollars (\$67,407.00) in Federal Revenue Sharing Funds.

Further, that a twelve (12) month operating budget for the Rochester Water Works in the total amount of Two Million Three Hundred Ninety-three Thousand One Hundred Sixty-three Dollars (\$2,393,163.00) is hereby approved for the period beginning July 1, 1986 and ending June 30, 1987.

Further, that a twelve (12) month operating budget for the Rochester Sewer Works in the total amount of One Million One Hundred Eighty-seven Thousand Thirteen Dollars (\$1,187,013.00) is hereby approved for the period beginning July 1, 1986 and ending June 30, 1987.

PASSED June 24, 1986

RESOLUTION TO APPROVE CAPITAL BUDGET

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

That the capital budget for the July 1, 1986 to June 30, 1987 fiscal year

n the total amount of Four Million Six Hundred Six Thousand, Four
Hundred Thirty-five Dollars (\$4,606,435.00) is hereby approved and that
he Finance Committee be and it hereby is authorized to borrow said sum
upon terms and conditions as it deems the best interest of the City
requires.

PASSED June 24, 1986

RESOLUTION RELATIVE TO POLLING HOURS AND POLLING PLACES

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE
CITY OF ROCHESTER:

That the following polling places are hereby established for the
September 9, 1986 State Primary Election and for the November 4, 1986
State General Election:

- Ward 1: New East Rochester School Gymnasium, Portland Street
- Ward 2: Army Reserve Center, Rochester Hill Road
- Ward 3: McClelland School Gymnasium, Brock Street
- Ward 4: National Guard Armory, Brock Street
- Ward 5: Elk's Lodge #1393, Columbus Avenue

Further, that in accordance with RSA 659:7, all polling places shall be
open from 10:00 A.M. to 7:00 P.M. on said election days.

PASSED June 24, 1986

REPORT OF THE CITY ASSESSOR 1985 - 1986

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
ROCHESTER:

ASSESSOR'S INVENTORY

Land - Improved and Unimproved	\$ 81,246,300.00
Buildings	255,665,200.00
Public Utilities - Gas	953,500.00
Public Utilities - Electric	6,404,900.00
Mobile Homes	25,133,600.00
TOTAL VALUATION BEFORE EXEMPTIONS	
ALLOWED	369,403,500.00
Blind Exemptions - 21 \$ 274,050	
Elderly Exemptions - 578 7,485,800	
TOTAL EXEMPTIONS ALLOWED	7,759,850.00

NET VALUATION ON WHICH TAX RATE IS COMPUTED	361,643,650.00
--	----------------

Totally and Permanently Disabled
Veterans and Widows - 36 \$ 25,200.00
All Other Qualified Veterans - 2,057 102,850.00

Property Taxes	10,252,051.82
Resident Taxes	130,920.00
National Bank Stock	438.35
AMOUNT TO BE COMMITTED TO THE TAX COLLECTOR	10,383,410.17

Rate for 1985 - \$28.70

Respectfully submitted,
Kathy E. Wallingford

REPORT OF THE CITY ATTORNEY 1985 - 1986

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF
ROCHESTER:

The following is a report of the activities of the Office of the City
Attorney for the year beginning July 1, 1985 and ending June 30, 1986.

During fiscal year 1985-86, the following cases were terminated:

1. Robert Seaver and Mark Mitchell v. Rochester - 85-E-094;
2. Everett J. Prescott, Inc. v. Rochester, et al - 86-E-089;
3. Charles and Virginia Pearson v. Rochester - 83-E-071;

In addition to the above cases, as of June 30, 1986, the following ac-
tions involving the City of Rochester or the Rochester School District
were outstanding in either the United States District Court or the New
Hampshire Superior Court:

1. Joseph and Nancy Bisson v. Rochester - C-12,750 and 12,751'
2. Marilyn Fisher v. Rochester - 83-E-071;
3. City of Rochester v. George Blaisdell, et als - 85-E-191 and
86-C-094;
4. Raymond and Lorraine Charron v. Rochester - 86-E-065;
5. Rochester v. Mark Huddleson, et als - 86-E-057;
6. James McGoldrick, Trustee v. Rochester - 86-E-154;

7. Sandra Keans, et als v. Rochester, et al - 86-E-131;
8. SRT Associates Limited Partnership v. Rochester - 86-E-157;
9. Michael Rocheleau, General Partner v. Rochester - 86-E-170;
10. Mark Torr v. Rochester - 86-C-369;
11. Estate of James Shallow v. Rochester, et als - C86-90-L;
12. Dennis B. v. Rochester - C-82-169-D;
13. Timothy W. v. Rochester - 84-733-L;
14. Edward and Laurie B. v. Rochester - 86-7-L;
15. In Re: Kelly Elliott - 83-147.

The Office of the City Attorney provided representation to the City in numerous matters before the New Hampshire Courts with respect to matters of interest to the City. In addition, the City Attorney attended City Council meetings, as well as meetings of other City boards and commissions when requested. Upon request, legal opinions and advice were provided to City department heads and the chairman of various committees and commissions of the City upon request. Legal instruments, including deeds, leases, contracts, ordinances and related materials, were drafted and reviewed as required during the year.

Respectfully submitted,
Danford J. Wensley
City Attorney

**REPORT OF THE CITY CLERK
FOR CALENDAR YEAR 1985
[January 1, 1985 through December 31, 1985]**

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF ROCHESTER:

During calendar year 1985, the City Clerk's Office performed the following functions:

Processed the following Vital Statistics Records: 589 Births, 294 Deaths, and 251 Marriages; also processed birth-record amendments including adoptions, legitimations, affidavits of paternity, and legal changes of name; recorded pre-marital age and time waivers; processed vital record correction/amendment forms; issued delayed certificates of birth; issued burial permits under authorization of the Board of Health and Health Officer; filed burial permits for all Rochester interments; and, attended meetings relative to vital record regulations and statutes.

Recorded the votes and proceedings of the City Council at both

Regular and Special City Council meetings; published and indexed the minutes of all City Council meetings in accordance with RSA 91-A:4;

Compiled updated pages for the General Ordinances of the City whenever new Ordinances were adopted or whenever existing Ordinances were amended by the City Council; provided these updated pages to all City department heads, elected officials, boards, and commissions, as well as to subscribers;

Issued 1,680 Dog Licenses and 15 Kennel/Group Licenses, the latter in conjunction with the Animal Control Officer; provided dog licensing service at the annual Rabies Clinic held at the Rochester Fairgrounds in April;

Recorded and processed 673 Uniform Commercial Code Financing Statements, as well as related termination, continuation, amendment, assignment, and search statements;

Supervised the November 5, 1985 non-partisan Municipal Election; received and processed declarations of candidacy for all local offices; processed and mailed/delivered 402 absentee ballots; oversaw the typesetting, layout, and printing of all official and sample ballots; conducted and supervised three recount sessions; recorded the final election results for all elected offices; and, attended meetings relative to election statutes and procedures;

Accepted new voter registrations, declarations of party affiliation, and checklist changes in address/name/ward; provided in-home voter registrations for the elderly and disabled; coordinated and attended all sessions of the Supervisors of the Checklist and served as clerk of that Board; maintained and updated the City's computerized voter checklist; and, printed all required checklists;

Recorded jury lists for all five wards in the City;

Processed applications for the Adams-Pray Funds;

Provided Notarial and Justice of the Peace services;

Processed elderly discounts relative to New England Cablevision;

Published notices of public hearings, vacancies in elected offices, ordinance amendments, Supervisors' sessions, election notices, dog licensing reminders, etc., as required by law;

Recorded Federal and State tax liens; City liens; writs of attachment; pole and conduit licenses; articles of agreement and amendments thereto; surety bonds; City vehicle titles; agreements and contracts; leases; New Hampshire Wetlands Board/dredge & fill applications; litigations; and, deeds of the City;

determined by the Building Inspector.

Received and recorded cash receipts from various City Departments, including the Welfare Department, the Health/Code Enforcement/ Building Inspection Department, the Planning and Development Office, the Zoning Board, the Police Department, the Recreation Department, and the Animal Control Office. City Clerk revenues totaled \$24,897.60 in Clerk Fees and \$6,840.35 in Dog Licensing Fees.

Respectfully submitted,
Gail M. Varney, City Clerk

PARTY AFFILIATIONS: OCTOBER 26, 1985

	<u>REP</u>	<u>DEM</u>	<u>IND</u>	<u>TOTAL</u>
Ward 1:	582	641	981	2,204
Ward 2:	588	545	839	1,972
Ward 3:	591	901	1,216	2,708
Ward 4:	483	895	803	2,181
Ward 5:	590	646	883	2,119
TOTAL:	2,834 (25%)	3,628 (33%)	4,722 (42%)	11,184

1985 MUNICIPAL ELECTION RETURNS [Not Including Recount Totals]

TO MAYOR RICHARD GREEN AND MEMBERS OF THE ROCHESTER CITY COUNCIL:

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	TOTAL
<input type="checkbox"/> FOR MAYOR:						
Richard Green	600	665	669	654	621	3,209*
George A. Lovejoy	555	362	486	444	449	2,296*
Scattering	2	3	6	0	2	13
<input type="checkbox"/> FOR CITY COUNCIL AT-LARGE:						
Anita Flanagan	333	227	286	216	255	1,317
Lucien G. Levesque	452	474	562	560	482	2,530
Alfred A. Ratcliffe	262	268	236	136	256	1,158
Scattering	0	1	2	1	0	4
<input type="checkbox"/> FOR SCHOOL BOARD AT-LARGE:						
Bert D. George	633	614	645	661	642	3,195
Charles H. Perry	426	350	430	365	344	1,915
Scattering	2	1	2	5	0	10

	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	TOTAL
☐ FOR POLICE COMMISSION:						
Henry W. Crawford	249	247	237	168	226	1,127
Richard Q. Lachance	395	299	218	312	351	1,575
Ronald G. Lachapelle	434	414	622	557	418	2,445
Scattering	3	0	0	0	0	3

	FOR CITY COUNCIL		FOR SCHOOL BOARD	
WARD 1	Ronald R. Malone	416	Francis J. Boudreau III	148
	James F. McManus, Jr.	661	Nancy Brown	612
	Robert Montgomery	49	Laura C. Lucier	316
	Scattering	1	Scattering	1
WARD 2	Robert J. Callaghan	457	Janet F. Allen	98
	Sandra B. Keans	540	Marion S. Goodwin	668
	Scattering	0	Christine Morgan	208
			Scattering	1
WARD 3	George F. Brown	485	Leslie G. Horne, Jr.	590
	Daniel J. Hussey	627	Richard S. Sliwoski	516
	Scattering	1	Scattering	0
WARD 4	Richard W. Creteau	551 *	Marc Bergeron	959
	Ronald R. Laurion	496 *	Scattering	6
	Scattering	2		
WARD 5	Charles W. Grassie, Jr.	572 *	Peter K. Howland	868
	Ralph W. Torr	467 *	Scattering	2
	Scattering	2		

VOTER TURNOUT	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5	TOTAL
# of Names on Checklist:	2,204	1,972	2,708	2,181	2,119	11,184
# of Regular Ballots Cast:	1,103	966	1,100	1,020	988	5,177
# of Absentee Ballots Cast:	59	68	67	87	92	373
% of Voter Turnout:	53%	52%	43%	51%	51%	50%

*Recount results follow this report.

	FOR MODERATOR		FOR WARD CLERK	
WARD 1	Arthur W. Hoover	958	Nancy Brown	949
	Scattering	3	Scattering	9
WARD 2	Brian P. Brennan	860	Lorraine M. Morin	817
	Scattering	1	Scattering	2

	FOR MODERATOR		FOR WARD CLERK	
WARD 3	John G. Richardson	947	Karen Grossman	914
	Scattering	3	Scattering	9
WARD 4	David J. Pheasant	905	Lena T. LaRoche	927
	Scattering	3	Scattering	2
WARD 5	Danford J. Wensley	856	Grace A. Drapeau	855
	Scattering	0	Scattering	0
	FOR SELECTMAN		FOR CHECKLIST SUPERVISOR	
WARD 1	Nancy-Jo Higgins	912	Beatrice H. Craig	1,002
	Scattering	3	Scattering	4
WARD 2	Julie M. Brown	831	Joan M. Cardin	800
	Scattering	5	Scattering	1
WARD 3	Stuart J. Fanning	859	Cecelia M. Smith	883
	Scattering	6	Scattering	2
WARD 4	Lillian Boudreau	902	Jacqueline M. Peters	905
	Sacttering	3	Scattering	3
WARD 5	Maurice Bedard	840	Gertrude Brigham	853
	Scattering	0	Scattering	0

A true record,

Attest:

Gail M. Varney, City Clerk

RECOUNT PROCEDURE: 1985 MUNICIPAL ELECTION (Approved by the City Council, November 6, 1985)

The Rochester Board of Recount, consisting of the City Clerk, the City Solicitor, and impartial ballot counters [i.e., election officials, whenever possible], will meet on the appointed days, at the designated times, to recount the votes cast at the November 5, 1985 Municipal Election for whichever offices are so requested, in accordance with Chapter 12.5 of the City Ordinances and Section 12-c of the Rochester City Charter.

The recount procedure shall be as follows:

The recount sessions shall be public meetings and shall be duly publicized as such;

Ballot container seals shall be opened by the City Clerk at the appointed time of each recount session, in the presence of the Board of Recount and whichever candidates and observers are present:

Only members of the Board of Recount shall be allowed to actually handle the ballots;

Each ballot shall be examined and tallied by the ballot counters appointed to the Board of Recount; two ballot counters shall serve on the Board of Recount for each ward, with ten ballot counters serving for a City-wide recount;

For an individual ward recount, each candidate plus one other person of that candidate's choosing shall be allowed to stand at the recount table to observe, and each shall be empowered to challenge or contest any ballot. For a City-wide recount, each candidate plus nine other persons of that candidate's choosing shall be allowed to stand at the recount table to observe and each shall be empowered to challenge or contest any ballot. Said person(s) chosen by the candidates shall be registered voters in the City of Rochester whose name(s) appeared on the checklist used at the November 5, 1985 Municipal Election;

Other observers shall be permitted to attend the public recount session, but they shall not be allowed to stand at the recount table, nor shall they be permitted to challenge or contest any ballot;

The City Solicitor shall act as the recount referee and shall make all final decisions on all contested or challenged ballots;

The City Clerk shall tabulate and certify the final count of votes cast and shall report such tallies to the City Council at the December 3, 1985 regular meeting;

The above-mentioned tallies, once declared and certified by the City Clerk, shall be considered final;

Tie votes shall be resolved by lot in a manner the City Council shall determine, in accordance with Section 12-c of the Rochester City Charter;

Further appeals by any candidate shall be directed to the Strafford County Superior Court within five (5) days of said recount, in accordance with RSA 669:35.

Gail M. Varney, City Clerk

REPORT OF RECOUNTS

November 5, 1985 Municipal Election

TO MAYOR RICHARD GREEN AND MEMBERS OF THE ROCHESTER CITY COUNCIL:

Recount sessions relative to the Ward 4 City Council race, the Ward 5 City Council race, and the Mayoral race were conducted on the following dates, beginning at 7:00 P.M., in Council Chambers, City Hall:

Ward 4 City Council Race: Monday, November 18, 1985

Ward 5 City Council Race: Wednesday, November 20, 1985

Mayoral Race: Thursday, November 21, 1985

Members of the Rochester Board of Recount in attendance at these sessions were as follows:

WARD 4 CITY COUNCIL RACE

Franklin Jones (Moderator, Ward 4)
Jan Jones (Ballot Clerk, Ward 4)
Gail Varney, City Clerk
Jerome Grossman, City Solicitor

WARD 5 CITY COUNCIL RACE

Danford Wensley (Moderator, Ward 5)
Jana McGee (Ballot Clerk, Ward 5)
Gail Varney, City Clerk
Jerome Grossman, City Solicitor

MAYORAL RACE

Arthur Hoover (Moderator, Ward 1)
Susan Hoover (Acting Ward Clerk, Ward 1)* [Served on 11/5/85]
Brian Brennan (Moderator, Ward 2)
Lorraine Morin (Acting Ward Clerk, Ward 2)** [Served on 11/5/85]
John Richardson (Moderator, Ward 3)
Karen Grossman (Ward Clerk, Ward 3)
Franklin Jones (Moderator, Ward 4)
Jan Jones (Ballot Clerk, Ward 4)
Danford Wensley (Moderator, Ward 5)
Grace Drapeau (Ward Clerk, Ward 5)
Gail Varney, City Clerk
Jerome Grossman, City Solicitor

*Ward 1 Ward Clerk, Nancy Brown, could not serve in that capacity on election day since her name appeared on the ballot as a School Board candidate.

**Ward 2 Ward Clerk, Sandra Keans, could not serve in that capacity on election day since her name appeared on the ballot as a City Council candidate.

Recount results were as follows:

WARD 4 CITY COUNCIL RACE

Richard W. Creteau	548	(551 Before Recount)
Ronald R. Laurion	502	(496 Before Recount)

WARD 5 CITY COUNCIL RACE

Charles W. Grassie, Jr.	574	(572 Before Recount)
Ralph W. Torr	467	(467 Before Recount)

It should be noted that the City Clerk notified both mayoral candidates, Richard Green and George Lovejoy, that the ballot containers would be officially and publicly resealed following both the Ward 4 and Ward 5 City Council race recounts, since both would be conducted prior to the November 21 Mayoral race recount. Both candidates were invited to attend these recount sessions to witness both the opening and the resealing of the ballot containers. Mr. Lovejoy attended the recount session on November 18. At both the November 18 and November 20 recount sessions, Mrs. Patricia Steadman, representing Mr. Lovejoy, affixed her signature to the resealing labels. These labels were also signed by all four Board of Recount members in attendance at each respective recount session. Mr. Green did not attend these recount sessions, nor was he personally represented by anyone in the audience.

MAYORAL RACE

WARD 1

Richard Green	598	(600 Before Recount)
George A. Lovejoy	556	(555 Before Recount)

WARD 2

Richard Green	665	(665 Before Recount)
George A. Lovejoy	361	(362 Before Recount)

WARD 3

Richard Green	667	(669 Before Recount)
George A. Lovejoy	487	(486 Before Recount)

WARD 4

Richard Green	648	(654 Before Recount)
George A. Lovejoy	449	(444 Before Recount)

WARD 5

Richard Green	619	(621 Before Recount)
George A. Lovejoy	450	(449 Before Recount)

TOTAL

Richard Green	3,197	(3,209 Before Recount)
George A. Lovejoy	2,303	(2,296 Before Recount)

Following the Mayoral race recount, ballot containers were resealed, officially and publicly. The resealing labels were signed by the four members of the Board of Recount at each table, as well as by the four observers/challengers stationed at each of the five recount tables.

Respectfully submitted,
Gail M. Varney, City Clerk

REPORT OF THE CODE ENFORCEMENT OFFICER

Report of the Building Inspector 1985-86

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

With the resignation of Thomas Kittredge as Building Inspector on March 1, 1986, Leslie G. Horne, Jr. was appointed Building Inspector along with being the Health Officer and Code Enforcement Officer. As Director of Code Enforcement many changes were seen and the Building Boom began in Rochester. By the fiscal year end Rochester has seen \$26,409,601.00 of estimated building cost and 1,005 Building Permits issued. The following shows the increase in activity over a five year period, showing the continued growth within Rochester.

<u>Year</u>	<u>Building Est. Cost</u>	<u>Permits Issued</u>
81-82	\$ 3,086,107.95	425
82-83	\$ 6,620,778.00	454
83-84	\$ 5,469,322.50	510
84-85	\$15,161,296.00	707
85-86	\$26,409,601.00	1,005

Our revenues surpassed any of our projections with over \$52,000.00 collected.

With the combination of both the Health Department and Building Inspector's office, along with the Zoning, the departments were nearly self supporting.

The Building Inspector is also the Zoning Board Clerk which meets once a month on a regular basis. The Board of Adjustment consists of five regular members, three alternates all appointed by the Mayor, with new terms of three years and expiring terms of one to five years, with one regular term expiring annually.

In conclusion the City of Rochester will see continued growth during the 1986-87 year and with the increase in staff and reorganization the citizens of Rochester will be better served.

Respectfully Submitted,

Leslie G. Horne, Jr., Building Inspector
Director of Code Enforcement

BUILDING INSPECTION Fiscal Year 1985 - 1986

Month/ Year	Conv Homes	Residential Founda- tions	Condos & Apartment Complex	Mobile Homes	Residential Additions Alterations Repairs & Outbuilding	Business Buildings	Commer. Founda- tions	Business Additions Alterations Repairs & Outbuilding	Electrical	Fences	Pools	Signs	Monthly Total	Year to Date Total	Demolitions Year to Date Total														
Jul. '85	6	347,956	3	9,500	4	114,500	41	131,992	1	53,700			1	800	64	688,553.00	4	18,200	18,200.00										
Aug. '85	7	291,730	1	5,000	6	166,000	29	63,068	1	156,000			2	650	56	1,000,052.00	3	108,200	126,400.00										
Sep. '85	8	409,525	1	1,000	2	1,435,200	21	690,617	30	91,647	1	165,576	4	41,300	74	2,839,900.00	4,528,485.00	3	1,700	128,100.00									
Oct. '85	8	423,600			28	891,810	31	173,600					9	274,800	89	1,794,250.00	6,327,735.00	1	1	128,100.00									
Nov. '85	10	504,000	2	5,834	28	924,800	19	75,568					4	45,397	1	2,600	2	10,300		1	156,700.00								
Dec. '85	7	294,500	1	1,500	2	738,000	7	226,400	22	146,635	1	65,000	1	70,000	3	18,690	3	1,604	1	1,000	1	2,800	159,500.00						
Jan. '86	14	715,008	1	20,000	20	678,605	13	207,968	1	85,000			4	98,500	1	600							159,500.00						
Feb. '86	10	582,500	3	60,000	5	1,733,500	2	38,500	11	495,894	2	250,000	4	132,044	2	10,500							171,300.00						
Mar. '86	9	553,835							16	72,435	2	92,854	3	68,800									280,500.00						
Apr. '86	18	1,052,650			9	1,350,000	50	1,808,610	61	268,664	2	1,674,000	5	36,500	2	3,400	5	5,450	5	40,940	3	450	160	6,240,664.00	21,618,916.00				
May '86	10	596,252	1	18,000		25	807,420	74	256,691	1	378,300			8	110,000	308	277,450	16	14,157	5	41,725	1	650	449	2,500,645.00	24,119,561.00	2	500	281,000.00
Jun. '86	8	427,500			3	1,120,000	6	236,607	76	282,375			4	53,185	16	18,790	16	78,086	8	68,977	9	4,520	146	2,290,040.00	26,409,601.00	5	5,950	286,950.00	

TOTALS 115 6,199,056 13 120,834 21 6,376,700 197 6,583,869 423 2,266,537 12 2,920,470 1 70,000 54 1,193,520 337 320,140 55 123,463 23 199,492 35 35,520 1286 26,409,601.00 24 286,950

Report of the Rochester Board of Health 1985-86

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

The following is a summary of the Health Department's activities from July 1, 1985 through June 30, 1986.

During the year our Food Establishments have been inspected and still maintain their national average of 84-85. Our Food Establishment Industry is growing constantly and more establishments will be opening during the 86-87 year. It has become and will become more important for the City of Rochester to maintain its high standard of enforcing the Sanitary Food Code.

Many of our apartment complexes have been upgraded over the years and we have several Property Owners working with all of the City departments to maintain good healthy living conditions for the citizens of Rochester.

The Code Enforcement Division has grown and will continue to grow with the increase in population and the demand for the use of the many activities governed by the Code Enforcement Division. The combining of the Building Inspector and Health Officer will greatly improve the services offered the citizens of Rochester.

The Animal Control has still been very active and with the growth as it continues in Rochester we will see an ever increasing demand placed on the Division. Mr. Frank Callaghan has been doing a tremendous job in organization and with keeping up with the changes in the laws and other materials governing animal control.

The total adopted budget for the Health Department which includes the Rochester Visiting Nurses, Animal Control and Code Enforcement, was \$54,963.00. The Department spent \$50,534.06 leaving a surplus of \$4,428.94.

The total revenue collected by the Health Department was \$20,873.00.

Food Establishments Permits	\$ 7,770.00
Animal Control	\$ 3,656.00
Code Enforcement	<u>\$ 9,447.00</u>
	\$20,873.00

The projected revenue was \$15,200.00. This shows an increase of \$5,673.00 over our projected revenue.

The following is a list of activities during the period from July 1, 1985 to June 30, 1986.

HEALTH:

Food Establishment Licenses Issued	358
Food Establishment Inspections	220
Food Establishment Complaints	49
Food Establishments - Rochester Fair	72
Foster Home Inspections	10
Day Care Inspections	31
Mobile Home Park Inspections	37
Sewer System Complaints and Inspections	33
Health Complaints	128
Miscellaneous Inspections	145
Water Testing	5
Housing Code Complaints	93
Miscellaneous Complaints	124
Miscellaneous Certificates Issued (Includes Liquor Licenses)	72
Miscellaneous Activities	236

CODE ENFORCEMENT:

Bowling Alley Permits	1
Theatre Permits	1
Pool Table Permits	8
Taxi Cab Operator Permits	2
Taxi Cab Driver's Licenses	25
Taxi Cab Vehicle Permits	9
Hawker's and Peddler's Licenses	40
Pawnbroker's Licenses	0
Motor Vehicle Junk Yards	9
Regular Junk Yard	2
Second Hand Dealers	9
Pinball and Video Permits	121
Inspections	75
Complaints	50

ANIMAL CONTROL:

Animal Control Complaints	1,078
Dogs Impounded	176
Animal Control Summons	3
Animal Control Warnings	568
Animal Control Civil Forfeiture	163
Animal Control Miles Travelled	13,731

The Board of Health has conducted meetings throughout the year and has accomplished many tasks as a Board.

Board of Health:

- Dr. Thomas Moon, D.V.M. - Chairman
- Dr. James Dejohn, M.D.
- Mr. William Keefe, P.D.
- Dr. Joseph Britton, M.D. - City Physician
- Mr. Leslie G. Horne, Jr., H.O.B.I. - Secretary

Respectfully Submitted,
Leslie G. Horne, Jr., H.O.
Director of Code Enforcement

REPORT OF THE ROCHESTER FIRE DEPARTMENT 1985-1986

TO THE HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL
OF THE CITY OF ROCHESTER:

I herewith submit the Fire Report of emergency activities for the fiscal year July 1, 1985 to June 30, 1986.

There were a total of 945 Alarms in the City of Rochester in 1985-1986, which consisted of the following:

Still Alarms 674; Box Alarms Central 78; Gonic 85; East Rochester 48; Mutual Aid received 22; Mutual Aid given 10.

These included Manufactures 0; Mercantiles 4; Non-residential fires 22; Accident responses (vehicles) 68; Brush & Grass fires 74; Car or truck fires 39; Chimney fires 37; Electrical fires and Hazards 47; False Alarms 70; False Calls 15; Gasoline Washdowns or hazards 33; Hurst Tool responses 14; Smoke Scares and Honest Mistakes 63; Ambulance Assistance 34; Miscellaneous 390; No School 5.

Below are the amounts reported on Building and Contents involved in fires in 1985-86.

Estimated value of buildings	\$395,160.00
Estimated insurance on same	294,923.00
Estimated loss reported	283,398.00
Insurance paid on same	204,731.00
Estimated value of contents	\$ 46,198.00
Estimated insurance on same	44,310.00
Estimated loss reported	6,960.00
Insurance paid on same	6,836.25

The following are the amounts reported on all vehicle fires occurring in the City. These include vehicles registered in other Cities and Towns of the State of New Hampshire plus other States.

Estimated value of vehicles	\$ 8,816.02
Estimated insurance on same	8,816.02
Estimated loss reported	8,816.02
Insurance paid on same	4,425.00

At this time I wish to express my appreciation to His Honor the Mayor, and members of the City Council, the committee of the Fire Department, all members of the Rochester Fire Department, Police Department and to all other persons or agencies who have rendered us assistance throughout the fiscal year 1985-1986.

Respectfully submitted,
Robert E. Duchesneau, Fire Chief

REPORT OF THE LIBRARIAN OF THE ROCHESTER PUBLIC LIBRARY 1985-1986

TO THE HONORABLE MAYOR, CITY COUNCIL AND BOARD OF TRUSTEES OF THE ROCHESTER PUBLIC LIBRARY:

The Seacoast Area Integrated Library System was established during this past year. Like most other organizations of our time it is known by its acronym—SAILS. Becoming involved with SAILS has thrust the Rochester Public Library into the beginnings of an automated network library service. The New Hampshire State Library, representing the wishes of the library community, has dedicated much energy and a large portion of federal funds that New Hampshire, like all states, receives for the purpose of enhancing the role of libraries. At the state library a computerized data base containing records of book holdings of many public and academic libraries is now a reality, making electronic access to this information available to any library joining in the system. Several nodes to the centralized site in Concord are planned for Manchester, Keene, Plymouth, and Salem areas, as well as the Seacoast area which will be the first node. The seacoast node and its accompanying equipment will be located at the University of New Hampshire. Rochester and other area libraries will tie into it via dial-up or dedicated telephone lines to find the location of a certain book or to find other needed information. Each participating library in SAILS will receive funds from New Hampshire's share of federal library monies to help them to participate in the network. In addition the Mayor and City Council supported the SAILS plan by

approving \$5,000 for expenses that will be required as progress is made. The Friends of the Library, encouraged by a gift from the Exxon Corporation obtained by Friend Paul Sperl, and contributions from the Rochester Rotary renovated a room to make a better place for housing the SAILS equipment and for processing materials. We are now at the first stage of this exciting project. With continued community support, each year should mark progress toward the goal of library service that reflects what technology is doing in all areas of society – providing expanded services and information quickly and efficiently.

Preparations for automation are important to us at the library, but everyday library activities continue to be our major emphasis – trying always to find the right book for the right person. The children's room has had a busy year with a solid increase in activity and circulation, reflecting awareness by both children and parents of the joys of learning and of the fun that's available in the sunny room at the end of the second-floor hall.

The library now has its first piece of equipment which will make photocopies from microfilm and microfiche. The library has a long run of the local Rochester Courier, from 1864, and much of it is on film. When a search is made for information about a person or a past event a copy of the article may now be made. Some genealogical resources, periodicals, and other materials are also in the fiche or film collection and more will be added. Two exceptional advantages to microforms are the space that they save and the preservation of materials they provide.

This year showed progress with improvements to the building and equipment and to library service. We at the library fully recognize the progress but continue to be aware of existing problems -- a serious lack of access for handicapped persons and a serious lack of space for growth -- but we are hopeful that these accomplishments will come.

I express for myself, a fine staff, and the Board of Library Trustees appreciation, to the Friends of the Library, and to the Rochester community for their support.

Respectfully submitted,
Roberta Ryan, Librarian

TRUSTEES

Diane Brennan, Chairperson
Eleanor Roberts, Secretary
Jeremiah Minihan, Treasurer
Harry Rose
David Pearson
Natalie Wensley
Mayor Richard Green

Reappointed 1986
Reappointed 1985
Appointed 1985
Appointed 1984
Appointed 1985
Reappointed 1986
Ex-officio

STAFF AS OF JUNE 30, 1986

Librarian	Roberta Ryan
Children's Librarian	Karen McCarthy
Reference Librarian	Kenneth Berry
Circulation Librarian	Patricia Roese
Serials Librarian	Eleanor Berney
Business Co-ordinator	Gail Pearson
	Theresa Locke
Cataloging Clerk	Muriel Lincoln
Assistant Children's Librarian	Lori Spruce
Librarian's Assistant	Donna Panzek
Librarian's Assistant	Marjorie Shaw
Page	Mark Kingsbury
Custodian	Juanita Goodwin
	Harold Goodwin

Volunteers:

Alexina Drapeau	Marjorie Shaw	Ada MacCallum	Sally Riley
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Youth Employment (Summer):

Brian Cyr	Cynthia Willard	Joyce Gagnon
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TRUST FUNDS

Original Principals

Mary Brock	\$ 5,000
Jennie Farrington	1,000
Sam Felker	5,000
Charles and Aroline Greenfield	5,000
John Greenfield	5,000
John Hanscom	5,000
Wallace Hussey	2,500
Charles Jenness	1,250
John McDuffee	5,000
Leon Salinger	35,000
Kenneth Thompson	10,000
Sarah Varney	1,000
	<hr/>
	\$80,750

GIFT FUNDS

Phyllis Bliss	\$ 1,000
Pearl & Charles Green and Olive M. Woodward	2,500
James Edgerly Memorial	2,500
	<hr/>
	\$ 6,000

FINANCIAL STATEMENT
For July 1, 1985 through June 30, 1986

Revenue	
City Funds (including capital expenses)	\$ 138,513.81
Endowment income and Beam Account interest	7,278.66
Now Account interest (Special Account)	85.67
Cash Gifts (Special Account)	4,882.04
Fines	3,597.73
Lost/Damaged materials	531.50
Computer use	201.80
Copy machine use (20% retained)	3,230.60
Book sales	709.57
Out of town registrations	1,880.00
Staff orders	1,056.28
Transfers and miscellaneous	1,510.48
	<hr/>
	\$ 163,478.14
Balances from FY 84/85	4,878.75
	<hr/>
TOTAL REVENUE	\$ 168,356.89
 Expenditures	
Salaries	\$ 96,194.50
Books, periodicals, microforms, records/ cassettes, videos, slides, software	25,382.77
Operating expenses (including capital)	41,052.96
East Rochester Library	2,559.00
	<hr/>
	\$ 165,189.23
Balance in Special Account	977.11
Balance in Trust Account	2,190.55
	<hr/>
TOTAL EXPENDITURES	\$ 168,356.89

CITY BUDGET FISCAL YEAR 1985-1986

	BUDGET	SPENT
Books, etc.	\$ 8,500.00	\$ 8,495.28
Library Supplies	2,780.00	2,704.93
Building Maintenance	4,695.00	4,733.93
Conferences & Travel	350.00	349.94
Salaries, Staff	116,209.00	95,694.50
Salaries, Janitor	8,500.00	8,134.75
Longevity	500.00	500.00
Postage	1,035.00	1,035.00

	BUDGET	SPENT
Electricity	\$ 4,200.00	\$ 3,413.86
Telephone	1,200.00	1,047.03
Fuel	6,000.00	3,375.06
Events	340.00	245.53
East Rochester Library	<u>2,559.00</u>	<u>2,559.00</u>
TOTALS	\$ 156,868.00	\$ 132,288.81
Capital Expenditures	11,900.00	<u>6,225.00</u>
GRAND TOTAL		\$ 138,513.81

TRUST ACCOUNT

Account Balance, June 30, 1985	\$ 4,621.93
Deposits from City Trust	5,507.12
Gifts Received and other Trust Interest	1,118.50
Beam Account Interest	<u>653.04</u>
TOTAL RECEIVED including balance	11,900.59
Expenditures	
Books, etc.	7,195.04
Micro/microfiche reader/printer	<u>2,515.00</u>
TOTAL EXPENDITURES	9,710.04
BALANCE June 30, 1986	\$ 2,190.55

SPECIAL ACCOUNT

Beginning balance as of June 30, 1985	\$ 256.83
Deposits	<u>17,685.66</u>
Receipts	
Gifts	\$ 4,882.04
Fines	3,597.73
Lost or damaged materials	531.50
Computer use receipts	201.80
Copy machine receipts	3,230.60
Book sales	709.57
Out of town registrations	1,880.00
Staff orders	1,056.28
Transfers & miscellaneous	1,510.47
Interest, Now Account	<u>85.67</u>
	\$17,685.66
TOTAL RECEIPTS SPECIAL ACCOUNT	\$ 17,942.49

Expenditures	
Books	\$ 8,557.25
Pamphlets and Periodicals	401.14
Records/Cassettes/Slides	224.14
Computer Software	320.47
Film/Microforms	100.00
Video	89.45
Supplies	454.20
Copy Machine	2,414.60
Transfers and Miscellaneous	<u>4,404.13</u>
TOTAL EXPENDITURES SPECIAL ACCOUNT	\$ 16,695.38
BALANCE June 30, 1986	\$ 977.11

STATISTICS

Adult Circulation

Fiction	38,257	
Non-Fiction	20,015	
Pamphlets and periodicals	6,502	
Records and cassettes	861	
Films	161	
Interlibrary loans	960	
Outreach	2,153	
Video	126	
Talking books	31	
Visual	<u>203</u>	
		<u>69,269</u>

Children's Circulation

Fiction	23,627	
Non-Fiction	7,779	
Pamphlets and periodicals	388	
Records and cassettes	809	
Toys	152	
Filmstrips and equipment	49	
Video (3 months)	<u>53</u>	
		<u>32,857</u>

TOTAL CIRCULATION 102,126

Adult registrations	2,103
Children's registrations	469
Out of town registrations	193

Book and Material Acquisitions

Adult & Young Adult Purchases	1,078
Children's purchases	406
Paperback purchases (all)	681
Gifts (excluding paperbacks)	478
Records & Cassettes, including gifts	165
Videos, Computer Programs	10
Gifts, Misc.	13

Discards & Withdrawals

Adult Books, Records, Cassettes	809
Children's Books, etc.	370

Total number of volumes excluding paperbacks & nonprint:	50,582
Total number of recordings and cassettes:	1,572
Total number of titles on microform (reels):	11 (80)
Other nonprint:	61
Magazines received:	116
Newspapers received:	17
Number of people using meeting rooms:	2,092
Story hour participation:	1,255
Film program participation:	4,196
Number of films shown:	147
School tours participation:	669
Special children's programs, participation:	968

**REPORT OF THE DEPARTMENT OF PLANNING
AND DEVELOPMENT 1985-1986**

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

This annual report reflects an exciting and busy period in the history of Rochester. In January 1984, the Mayor and City Council created the Department to seriously plan for the City's growth and economic development.

City leaders have recognized that growth is inevitable. To insure that changes will lead to a healthy and vital community in the years to come,

they have integrated the Community Development, Planning, and Economic Development functions to minimize duplication and maximize our ability to respond to the pressure of growth.

General activities of the Department include: Renovation of the City Hall Opera House, administration with the Recreation Department of grant funds secured for work on the Common, coordinating Rochester's efforts to comply with Federal requirements regarding accessibility to the handicapped, representing Rochester on the Board of the Cooperative Alliance for Seacoast Transportation (COAST), and working with citizens and groups interested in Historic Preservation.

COMMUNITY DEVELOPMENT

During the 1985-86 program year, \$116,054.49 of the Community Development funds were committed to Rochester's Downtown Revitalization Program and other public improvements. The local Housing Rehabilitation Program has continued to provide financial assistance to support an adequate supply of safe, decent, sanitary, and affordable housing for low/moderate income families in Rochester. We have also committed large amounts of staff time to locally administer the New Hampshire "Rental Rehab" Program.

In an effort to comprehensively meet the needs of low and moderate income residents, we have supplemented housing rehabilitation and public capital improvements in the "target area" with support of the Economic Development function to create jobs and with support of COAST's efforts to provide low cost bus transportation intra city and to the seacoast.

ECONOMIC DEVELOPMENT

The Economic Development Director and the members of the Economic Development Commission are continuing to encourage policies that insure a sound economic base for the future of the city.

As a result of new water and sewer systems soon to be completed, Rochester has enhanced its attractiveness as a location for new commercial and industrial development. Working with the State Office of Industrial Development, the Economic Development Director has been providing site selection information to companies interested in the area. Our marketing effort was given a real boost with the production of a tape outlining the benefits of the tri-city area of Rochester, Somersworth, and Dover.

Local companies are continuing to grow. Cabletron Systems, has

tripled its work force from thirty (30) to ninety (90) and increased their space from ten thousand square feet (10,000 sq. ft.) to forty-five thousand square feet (45,000 sq. ft.). Techniweave has doubled its space and we have proposals for expansion from Textile Tapes, Inc., Lydall, Inc., and Star Manufacturing. We welcome W.B. & A., Inc., and Boston Metal Hose.

Given the level of interest, we expect next year will be a banner year for economic development in Rochester.

Many thanks to Jean Greaney and Suzan Fowler for their help to George Bald in promoting the city. Our success is due to a real team effort.

PLANNING

The Planning Board consists of nine members. Six of these members are appointed for six year terms by the Mayor. Three other members include the Mayor, a City Council member and a City Administrative Official. The Mayor serves while in office. The Council member is selected by the Council and serves on the Planning Board during the same term he/she is on the Council. The City Administrative Official is appointed by the Mayor and serves on the Board during the period the Mayor is in office.

This year has been extremely busy due to the additional meetings regarding the "Master Plan", and due to the size and impact of the proposed development. The Planning Board is responsible for making recommendations to the City Council regarding the Zoning Ordinance and the Mobile Home Ordinance and must insure that the Site Review and Subdivision Regulations are consistent with the Ordinances.

Through staff and volunteer efforts, the City has worked closely with our Strafford Regional Planning Commission, other regional planning organizations, and has taken advantage of many educational opportunities.

The following list represents applications and requests received between July 1, 1985 and June 30, 1986 in the following categories:

Limited Subdivisions	52
Major Subdivisions - Preliminary	19
Major Subdivisions - Final	14
Applications for mobile homes on a private property	12
Applications for Site Review	47

Respectfully submitted,
Kenneth N. Ortmann, Director
Planning and Development Department

REPORT OF THE ROCHESTER POLICE DEPARTMENT

1985 - 1986

TO THE HONORABLE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER:

The following is an accounting of the Rochester Police Department for the fiscal year July 1985 to June 1986.

MOTOR VEHICLE ARRESTS

Change of Address	19	One Way Street	20
Conduct after accident	16	Operating without lights	20
Defective Equipment	4	Operating without license	177
DWI	216	Oper. uninspected Vehicle	826
Fail to Dim Lights	5	Oper. unregistered Vehicle	163
Fail to Keep Right	25	Reckless Operation	20
Fail Stop for Police Officer	24	Oper. under Rev./Susp.	146
Fail Yield Right of Way	28	Smooth Tires	47
Illegal Parking	0	Solid Line	67
Load Spillage	1	Speeding	1,937
Misuse of Plates	22	Stop sign/light	427
Misuse of Power	37	Transporting Alcohol	1
Motorcycle required	20	Transporting Drugs	4
Obstruction View	3	Miscellaneous	134
Littering	1		<hr/>
			4,410

CRIMINAL ARRESTS

Arson	5	Bail Jumping	0
Assault/Misdemeanor	54	Bench Warrants	133
Assault/Felony	6	Burglary	5
Issuing Bad Checks	24	Shoplifting	11
Criminal Mischief	19	Poss. of Alcohol	32
Criminal Liability	3	Poss. of Drugs	34
Criminal Threatening	3	Poss. of Stolen Property	6
Criminal Trespass	26	Reckless Conduct	3
Disorderly Conduct	39	Resisting Arrest	45
Escape	1	Robbery	3
Forgery	3	Safekeeping	204
Homocide	1	Rape	1
Fugitive From Justice	7	Theft	20
Hinder Apprehension	0	Littering	5
Lodger	1	Miscellaneous	69
			<hr/>
			763

The combined total motor vehicle and criminal arrests for fiscal year July 1985 to June 1986 is 5,173.

ACTIVITIES

Accidents	1,368	Burglaries	195
Aid to Other Depts.	802	Complaints Answered	5,648
Aid to Persons	1,765	Escorts	797
Alarms Answered	1,085	Fatalities	8
Alarms False	452	Missing Persons	119
Articles Found	188	Missing Persons returned	110
Articles Lost	146	Robberies	4
Articles Stolen	639	Suicides	2
Blood Relays	10	Vandalism	1,177
Autos Recovered	42	Warnings	4,311
Autos Stolen	48	Buildings Unlocked	646
Murders	0		19,562
Total Log Entries			27,043

Respectfully submitted,
Kenneth P. Hussey, Chief of Police

REPORT OF THE PUBLIC BUILDINGS DEPARTMENT 1985-1986

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

The responsibilities of the department consist of repair and maintenance of assigned City Buildings, as well as Park and Recreational maintenance. Staff members include the Public Buildings Supervisor, the Public Buildings Foreman, one full time maintenance man, one full time City Hall Custodian, two contract custodians for the East Rochester and Gonic Town Halls and one temporary summer employee.

Major accomplishments for the period include:

Continued rehabilitation of four swimming pools as well as adding a roof on Hanson Pines Bath House, general maintenance of public buildings and grounds, flooding and maintenance of four outdoor skating rinks, and snow plowing.

The department will continue, with the cooperation of the Mayor and Council, to revitalize the City's physical plants and recreational facilities.

Respectfully submitted,
Richard Green, Mayor

REPORT OF THE DEPARTMENT OF PUBLIC WORKS 1985-1986

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

The activities of this department by division are as follows:

HIGHWAY

- Trees - 45 removed.
- Brush - Sheepboro & Evans roads trimmed. Other roads as needed.
- Sidewalks - Lowell St., Allen St. — paved.
Leonard & Common — concrete.
- Drainage - Brock St.
Brookfield Drive
Extensive work in Paradis Project
- Winter Operations - 44 days/nights
 - Spread - 1,319 tons of salt
 - Spread - 4,479 tons of sand
- Hauled 12,240 yards of fill to City landfill located on Rt. 16B.
- Spring and Fall Clean-up — 289 loads.
- Constructed a pole barn for storing sanders.
- A substantial paving program of over \$275,000.00 was completed.

The following streets were paved:

- | | |
|-------------------------------|---------------------|
| Leonard St. | Common St. |
| Henrietta St. | Hunter Court |
| Villanova Lane | Emerson Ave. |
| Harding St. | Four Rod Road |
| Richardson St. | Tebbetts Road |
| Dustin Terrace | Lowell St. Ext. |
| Brook St. | Rochester Neck Road |
| Wellsweep Acres (small areas) | Betts Road |

WATER DEPARTMENT

New Water Services	68
Complete Water Relay Services	40
Relays - Main to Stop Services	20
Relays - Stop to Cellar Services	12
Pitometer (Flow Testing) Services Installed	18
Water Services Discontinued	3

Water Services Repaired	167
Water Meters Installed	180
Water Turn-ons	73
Water Turn-offs	68
Misc. Water Work Jobs	10
Gate & Service Boxes Raised	153
Hydrants - Repaired, Replaced, Relocated	14
Water Main Extension (Hillside Dr.)	1
Water Main Replaced (Tuttle Ct., Oak St., Gonic)	2
Water Main Replaced (Leonard St., River St., Old Dover Rd., N. Main St., McIntire Ct., Main St., Gonic, Plante St., Felker St., Chamberlain St., Chestnut Hill Road)	10
Main Line Water Gate Valves Replaced	8

SEWER DEPARTMENT

New Sewer Services	13
Sewer Services Repaired	1
Sewer Main Extension (Waverly St.)	1
Sewer Service Calls	51
Misc. PWD Calls	419

My sincere appreciation to Mayor Green, members of the City Council, and Department Heads for their support and cooperation.

Respectfully submitted,
Bert D. George, Commissioner,
Dept. of Public Works

“BETTER ROCHESTER WATER”

About a year from now, citizens of Rochester, New Hampshire will be able to turn on their tap water without apprehension, as a result of construction now going on there by several utility and building contractors.

Under way in New Hampshire's sixth largest city - the fast-growing community recently edged Keene out of that position - is an ambitious \$12.4 million water works program designed to improve capacity, pressure, fire protection and water quality.

Designed by consultants Whitman & Howard, the far-reaching program includes construction of sixteen miles of water pipe, two pumping stations, four storage tanks, and a sophisticated treatment facility.

The program will correct longstanding problems with foul-smelling,

bad-tasting water, and pockets of low-pressure in the distribution system that are not only annoying but threatening to fire-fighting operations.

The city has had problems with its water supply for at least sixty years, according to Raymond Hancock, former commissioner of Rochester's Public Works Department and now a private consultant to Whitman & Howard for the construction program.

"A water improvement program was recommended in a report way back in 1927 and in another report in 1967," he said, "but nothing was done. However, people were complaining so much about the water that Mayor Green became determined that something was going to be done, and he started to push for this program in 1980."

The city hired Whitman & Howard to undertake a comprehensive water system analysis in 1981, and in 1984, authorized the consultants to design the improvements recommended in the study. Now the engineering firm is providing construction services, under the direction of Paul Cote, project engineer.

Hancock said that the program will not only take care of present water problems, but will accommodate future city growth as well. When Rochester's water system was built back in the late 1800's, there were about 5,000 people living there. Now there are about 25,000, and there's a lot of interest in residential and commercial development in the city, he said.

"Builders are saying that Rochester is the Nashua of the eighties," he said. "Today there are about 3,000 new housing units either before the planning board or already under construction. We think there'll be at least 30,000 people living in the city by the year 2000.

"The improvements under construction will take care of that growth. In fact, it's estimated that they'll be sufficient for some fifty years," Hancock said.

The keystone of the improvements is the new water treatment plant, being built by Penta Corporation under at \$4.3 million contract. This state-of-the art facility will remove color, manganese, iron, algae and organics. Although none of these are health-threatening, they have discouraged people from drinking the water. Central to this impurity removal are sand filtration and activated carbon absorption beds that will be part of the new technique.

The advanced process stands out starkly against the kind of treatment the water has been getting.

"The water wasn't getting any treatment at all, except for chlorination," said Richard Crow, resident engineer for Whitman & Howard. "There used to be a filter for the water but it didn't function right and it was abandoned."

Crow said that water will be pulled from the city reservoir and pumped into the treatment facility by a new intake pump station alongside the water source, and then after treatment will flow into the renovated distribution system by gravity.

The major structures at the plant site are the administration building with attached underground sedimentation basins, and the intake pump station. The 12,000 sf building will house all of the treatment processes, office, testing laboratory, chemical storage area and boiler room for the heating system. The pitched roof structure will be built of heavily reinforced concrete with a brick facade.

Crow said that Penta poured about 3,000 cy of ready mix for the walls and slabs of both structures, with concrete supplied by City Concrete's Rochester plant. When a particularly cold spell hit the area earlier this year, causing temperatures to plummet to zero, City Concrete used warm water and steamheated aggregate to produce the ready mix, and Penta workers at the job site employed propane heaters and insulating blankets to protect the concrete from freezing.

Timber cutting at the six-acre site was accomplished by Crowley Clearing Co., and all of the excavation for the structures was subcontracted to Fenn Construction, Crow pointed out.

Fenn had little trouble with water at the locale, described by Crow as "high and dry," but the earthmover did have to confront automobile-sized boulders that literally peppered the site, he said.

"They had about 3,000 cubic yards of boulders, many of which had to be drilled and shot before they could be moved," he said.

Shattered rock was then either used as fill for low spots on the site or hauled elsewhere for disposal, the engineer said.

A new 24-inch water main will be added to supplement two of the three old water lines that have been used to feed water from the reservoir into the distribution system. The third line, of 12-inch-diameter, will be enlisted to convey sludge produced at the water plant to the city's sewage treatment plant, now being rehabilitated by Gioioso Construction according to modifications designed by consultants Camp Dresser McKee.

As for the distribution system, it is undergoing a major transformation through the installation of some 82,000 feet of ductile iron pipe that will reinforce the network by creating loops and replacing undersized, corroded pipe. It will also provide water to hundreds of citizens heretofore served by individual wells.

Five major contracts for water pipe ranging from six-inch to 24-inch diameter have been awarded over the past year, one to Mohawk Excavating for about \$616,000, and five to Midway Excavating for a total of about \$4,370,000. Midway's contracts include three river crossings and nine jackings beneath highways and railroad tracks, using 36- and 42-inch jacking sleeves.

Other contracts are held by Grenier Constuction, for the two new pump stations that will replace four outdated units, and Na-Con, Inc., for the new storage tanks.

Na-Con's contract for \$1,326,000 comprises building four covered steel tanks, ranging in capacity from 300,000 gallons to two million gallons. Subcontractor Loenco handled site preparation for the tanks, which included constructing a base for the heavy structures of up to eight feet of gravel compacted in six-inch layers to 95 percent density. Workers constructed ringwalls of heavily reinforced concrete to support the structures. Tremendous loads of up to 15 million pounds are imposed on the base by the fully loaded tanks.

At this writing, about four miles of pipe installation have yet to be advertised, and the city is still considering doing this work with its own forces. The work will probably not get under way until next year, according to Doug Brogan of Whitman & Howard's Concord, N.H. office, who supplied contract data for this article.

Whether this final phase is to be done by the city or contracted out, planners expect the entire program to be completed sometime in 1987. In addition to being able to draw clean water from their taps, Rochester citizens will benefit in other ways as well, according to the consultant's brochure handed out in ground-breaking ceremonies last October.

"The system will also help to attract more businesses and industries to Rochester, generating more local jobs for residents, providing additional tax dollars, stimulating the general economy, and bringing on an even brighter economic future for the City."

Reprinted from:

NEW ENGLAND CONSTRUCTION MAGAZINE
May 26, 1986

REPORT OF THE RECREATION DEPARTMENT 1985 - 1986

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

The Department of Recreation has continued to grow in size of programs as well as stature in the community over the past year. We have been able to offer a wide range of activities for the leisure time pursuits of the citizens of Rochester, at the same time adhering to a strict departmental budget.

All summertime activities continue to be most popular, with four playgrounds staffed for a fun summer of daily activities. The three swimming pools and wading pool were as full as ever with nearly 500 youth participating in Red Cross swimming lessons from preschoolers through advanced lifesaving. We were once again able to offer many special swimming programs in addition to lesson times. These include countless hours of open swim time, city-wide swim meets, adult early bird swimming, competitive swim classes, and staff development. The tennis lessons were well attended with 75 participants enjoying the game, many for the first time.

The Rochester Youth Soccer League continued to grow with over 300 youths ranging in age from 5 to 15 learning playing skills as well as good sportsmanship.

The Community Center gameroom continues with its popularity for City youth. We also continue to enjoy a close working relationship with the Juvenile Court Diversion Program, the Rochester Area Senior Citizens, and the Rochester Youth Connection.

Throughout the year we have been able to offer many special activities to Rochester residents: break dancing, self-defense, open gym time, volleyball, ice skating rinks, and special trips just to name a few.

The winter activities continue to grow with youth basketball and downhill skiing being the most popular. Over 125 youth were able to enjoy skiing at a local ski area from beginners to experts. Nearly 400 youth participated in our basketball programs covering grade 4 through high school.

The Department has continued to grow to work closely with other departments and agencies within the city to ensure that the leisure time needs of residents are met. I feel that the Recreation Department has continued to service these needs with increased programming as well as maintaining our high quality level on existing programs.

I would like to thank the Mayor, the City Council, all of the various department heads, the citizens of Rochester, and the countless volunteers for showing support and cooperation over the past year.

Respectfully submitted,
W. Brent Diesel
Recreation Director

REPORT OF THE JUVENILE COURT DIVERSION PROGRAM 1985 - 1986

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

During the past fiscal year, forty-seven youths were referred to the Juvenile Court Diversion Program. Of this number, thirty-three were males and fourteen were female. It is interesting to note that the number of referrals from the elementary grade level account for a larger portion than the number of referrals from the Junior/Senior High School. Forty youths successfully completed the program while seven referrals were returned to the Juvenile Officer of the Rochester Police Department for further action.

Criminal mischief and shoplifting accounted for more than half of the offenses. Other offenses represented burglary, criminal trespass, theft, and the misuse of a recreational vehicle on a public roadway.

Responsibility for one's behavior is of prime importance in the Juvenile Court Diversion Program. An individual contract is made with each youth which may include the following: apologies to the victim(s), restitution, community service work, and research on various topics. During the past year, \$3,106.70 was collected in restitution and disbursed to victims. A total of \$9,810.41 has been collected since the inception of the Program in 1981. In addition, 743.5 hours of Community Service Work benefited various local agencies during the 1985-1986 fiscal year. Such agencies as the Rochester Public Library, Strafford County Homemakers, Strafford County YMCA, the Fellowship Kitchen, and the Rochester Community Center provided volunteer hours as well as supervision to the Program's youth.

The Juvenile Court Diversion Program continues to function creatively and effectively with the input of twelve very dedicated volunteers who meet monthly to consider juvenile cases.

As in the past, the Program served as a learning opportunity for two

interns from the Family and Consumer Studies Department at the University of New Hampshire. Regina McGowan and Linda Levesque assisted the Juvenile Court Diversion Program for a total of 500 hours through the semester.

The Program experienced a transition as Anne C. May, Juvenile Court Diversion Program Coordinator of five years retired. Anne served as Coordinator since the Program's inception in 1981. Many individuals remain grateful to her for her help and guidance during difficult times.

The cooperation of Juvenile Officer Kathy Carberry as well as that of Sergeant Paul Moore and Officer Bob Pease has been greatly appreciated in the past year. Detective Carberry's assistance through transition is greatly valued. Additionally, the continued support and cooperation of the Rochester community, Mayor Green, and the City Council has been most helpful.

Respectfully submitted,
Linda L. Levesque, Coordinator

REPORT OF THE SUPERINTENDENT OF SCHOOLS 1985 - 1986

TO THE SCHOOL BOARD AND CITIZENS OF ROCHESTER:

I submit, herewith, my third annual report as the Rochester School District Superintendent.

The operation of the School District is a major enterprise in the City. In serving almost 4,000 students and other clients, 400 people in one way or another are employed.

We serve 376,487 meals per year and therefore are the largest food service unit in the City.

Our buses travel 1,083 miles per school day to make the District the largest transporter in the City.

In addition we buy a lot of supplies, use a lot of water, contribute more than one might think to the solid and liquid waste problems, and certainly utilize the time of other City agencies such as the Department of Public Works, Police Department, and Fire Department.

It is a tremendous outlay of money and man hours that to me is one of the best outlays we as citizens living in a democracy can make. It is truly an investment in our future - whether it be each of us as individuals or the community we live in.

As part of living in a democracy we have an elected board of governance to set policy and in other ways direct and control the education of our youth. Through these elected as well as appointed officials each of you has the means to influence what happens in our schools.

It is well known that the City is growing in population and this means higher school enrollments.

Joint Building Committees comprised of members of the School Board and City Council have been formed to add classrooms and core facilities at the Gonic Elementary School and vocational education facilities at the secondary complex.

Money has been allocated for plans and specifications in Gonic. The State has committed over two million dollars as part of efforts to provide better opportunities in vocational areas in cooperation with Dover and Somersworth.

Our seventh graders have been assigned to the Junior High School to alleviate crowded conditions in our elementary schools.

Curriculum committees have been evaluating our programs and in some instances have made recommendations for new textbooks as well as programs. The Board has approved new elementary social studies and science texts and new junior high computer and health education programs and texts.

An Accountability Management Plan and a new Staff Development Master Plan were developed and approved by the School Board.

Rochester schools participated in the New Hampshire state-wide testing program implemented in 1985-86. The results will be used as part of an on-going effort to improve our curriculum offerings and teaching skills.

Our pre-school screening process was changed to provide additional information for initial assignment of our youngsters.

An active Kindergarten Committee reported to the Board in April and supported consideration of a public kindergarten.

A new classroom teacher evaluation system has been accepted by the Board and implemented.

New personnel added to our staff include Mrs. Diane Lurvey, Director of Pupil Personnel Services; Mrs. Maryann Lacasse, Elementary Facilitator; Mrs. Constance Rice, responsible for the School Street School; and Mr. Gregory Ingalls, Computer Coordinator. Retirees include

Mrs. Hazel Maiuzzo of the Title I staff, Mrs. Virginia Cartier, and M/SGT Robert DeGrechie.

I wish to thank all who are involved in educating the young men and women of Rochester and to assure them that their contributions, however different and however seemingly obscure, do not go unnoticed.

Respectfully,
Richard C. Hamilton, Ed.D.
Superintendent of Schools

SCHOOL BOARD - CITY OF ROCHESTER
As Organized January 1, 1986

Ward One -	Karla Quint Nancy Brown
Ward Two -	Kenneth R. Latchaw Marion S. Goodwin
Ward Three -	Leslie G. Horne, Jr. Alan Reed-Erickson
Ward Four -	Roland R. Roberge Marc Bergeron
Ward Five -	Peter K. Howland Jerold D. Barcomb
At Large -	Bert D. George, Chairman Frank F. Ernst

Mayor Richard Green, Ex-officio Member

STANDING COMMITTEES
July 1, 1985 - December 31, 1985

Personnel Committee -	Roberta H. Goodrich, Chairman; Peter K. Howland (replacing Leslie G. Horne, Jr.), Caroline Boyle, (Bert D. George 7/11/85 thru 9/85)
Instruction Committee -	Kenneth R. Latchaw, Chairman; Alan Reed-Erickson, Diane Strogen
Building Committee -	Bert D. George, Chairman; Diane Strogen, Frank F. Ernst

Special Services Committee -	Peter Howland, Chairman; Roland Roberge, Karla Quint
Finance Committee -	Mayor Richard Green, Chairman; Franklin C. Jones, Roberta H. Goodrich, Kenneth R. Latchaw, Bert D. George, Peter K. Howland

STANDING COMMITTEES
January 9, 1986 - June 30, 1986

Personnel Committee -	Leslie G. Horne, Jr., Chairman; Frank F. Ernst, Bert D. George
Instruction Committee -	Kenneth R. Latchaw, Chairman; Karla Quint, Marion S. Goodwin
Building Committee -	Peter K. Howland, Chairman; Marc Bergeron, Alan Reed-Erickson
Special Services Committee -	Jerold Barcomb, Chairman; Roland Roberge, Nancy Brown
Finance Committee -	Mayor Richard Green, Chairman; Bert D. George, Alan Reed-Erickson, Leslie G. Horne, Jr., Peter K. Howland, Jerold Barcomb, Kenneth R. Latchaw

SPECIAL COMMITTEES
July 1, 1985 - December 31, 1985

Discipline Committee -	Alan Reed-Erickson, Chairman; Karla Quint, Frank F. Ernst
Athletic Committee -	Bert D. George, Chairman; Caroline Boyle, Peter K. Howland
District Placement Committee Representative -	Caroline Boyle
Recreation Committee School Board Representative -	Frank F. Ernst

SPECIAL COMMITTEES
January 9, 1986 - June 30, 1986

Discipline Committee -	Marc Bergeron, Chairman; Karla Quint, Frank F. Ernst, Jerold Barcomb
Staff Development -	Karla Quint

Recreation Committee School Board Representative - Jerold Barcomb

Special Education - Marion S. Goodwin

Accountability - Nancy Brown

Negotiations Committee (2/13/86) - Nancy Brown, Peter K. Howland, Bert D. George

Liaison Committee AREA School Board (5/8/86) - Nancy Brown, Marion S. Goodwin

Joint Building Committee (Gonic Addition) (4/10/86) - Peter Howland, Chairman, Leslie G. Horne, Jr., Marion S. Goodwin, Alan Reed-Erickson. Ex-officio members:
Mayor Richard Green, Bert D. George

PERSONNEL

Superintendent of Schools - Dr. Richard C. Hamilton

Assistant Superintendant of Schools - Dr. David S. Chick

Director of Pupil Services - Diane Lurvey

Transportation Coordinator - Betty Veilleux

Director of Buildings, Grounds & Maintenance - Leon Hayes (thru 2/86)
(Acting Director - John Laverdiere)

Director of School Lunch - Helen Grenier

School Nurses - Marion S. Goodwin; R.N. (thru 6/85)
Jacqueline A. Brennan, R.N.
Mary Wallace, R.N. (thru 6/85)
Sharon Croft, R.N.
Joanne Clark, R.N. (as of 9/85)
Ann Moynihan, R.N. (as of 9/85)

Supervising Principals - Robert Bouchard, Spaulding High School
Paul Asbell, Spaulding Junior High School
Betty Lou Wolters, Allen School (thru 6/85)
Richard Welch, Allen School (as of 8/85)
Sally Riley, Chamberlain Street School
Arlene Welch, New East Rochester School
Richard Jenisch, McClelland School

REPORT OF THE WELFARE DEPARTMENT 1985 - 1986

TO THE HONORABLE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:

During the fiscal year 1985-86 the Welfare Department had the following budgeted amounts available for assistance.

Direct Relief	\$ 90,000.00
Local Share Billing	60,000.00
Board & Care of Juveniles	<u>70,000.00</u>
	\$220,000.00

The budgeted amount was again this year a reduction from the amount budgeted for the preceeding year. Welfare assistance for 1985-86 is budgeted at a reduction of \$50,000.00. Again this year we have been actively involved in offering guidance in job search, budgeting money and applying for assistance from other agencies, as well as seeking reimbursement where appropriate. During this period the employment situation in this area has been good.

The advent of Senate Bill I, which became effective 1/1/86, resulted in major changes in the structure of local welfare. As of January 1st the settlement law was abolished in the State of New Hampshire and the City became legally liable for any person physically present here, whether a resident or not. In exchange Board & Care of Juveniles became a State responsibility, and Local Share became the liability of the County. The increased caseload resulting from these changes necessitated hiring an additional Social Worker.

During this fiscal year the Welfare Department provided direct assistance to 199 families and 112 single persons, for a total of 311 cases.

Expenditures for direct relief were as follows:

Food	\$ 14,656.29
Fuel	2,302.99
Rent	46,801.58
Utilities	11,018.76
Medical	983.32
Burials	1,270.00
Miscellaneous	<u>714.50</u>
Total vouchers written	\$ 77,747.44
Expenditures for Local Share Billing	29,739.51
Expenditures for Board & Care of Juveniles	<u>38,876.46</u>
	\$146,363.41

The Welfare Department took in reimbursements for assistance issued in the amount of \$22,299.71.

Office expenses were budgeted at \$43,078.00 with a transfer of an additional \$5,300.00 to cover costs of changes made to implement Senate Bill I. Total expenditures for office expenses were \$48,392.16.

Respectfully submitted,
Jane F. Hervey
Director of Public Welfare

CITY OF ROCHESTER, NEW HAMPSHIRE
Financial Statements and Supplementary Data
June 30, 1986

The Mayor and City Council
City of Rochester, New Hampshire:

We have examined the financial statements of the City of Rochester, New Hampshire as of and for the year ended June 30, 1986 as listed in the table of contents. Our examination was made in accordance with generally accepted auditing standards and, accordingly, included such tests of the accounting records and such other auditing procedures as we considered necessary in the circumstances.

As described more fully in note 4, the financial statements referred to above do not include the financial statements of the General Fixed Asset Group of Accounts which should be included to conform with generally accepted accounting principles.

In our opinion, except that the omission of the financial statements described above results in an incomplete presentation, the financial statements referred to above present fairly the financial position of the City of Rochester, New Hampshire at June 30, 1986 and the results of its operations for the year then ended, in conformity with generally accepted accounting principles applied on a basis consistent with that of the preceding year.

Our examination was made for the purpose of forming an opinion on the financial statements taken as a whole. The additional information listed as schedule 1 in the table of contents is presented for purposes of additional analysis and is not a required part of the financial statements

of the City of Rochester, New Hampshire. The information has been subjected to the auditing procedures applied in the examination of the financial statements and, in our opinion, is stated fairly in all material respects in relation to the financial statements taken as a whole.

February 19, 1987

Peat, Marwick, Mitchell & Co.

CITY OF ROCHESTER, NEW HAMPSHIRE
Annual Financial Report
June 30, 1986

TABLE OF CONTENTS

Accountants' Report

Financial Statements:

	<u>Exhibit</u>
Combined Balance Sheet - All Fund Types and Account Group	1
Combined Statement of Revenues, Expenditures and Changes in Fund Balances - All Governmental Fund Types	2
Statement of Revenues and Expenditures - Budget and Actual - General Fund	3
Combined Statement of Revenues, Expenses and Changes in Retained Earnings/Fund Balances - Proprietary Fund Type and Trust Funds	4
Combined Statement of Changes in Financial Position - Proprietary Fund Type and Trust Funds	5

Notes to Financial Statements

	<u>Schedule</u>
Assessed Valuation, Commitment and Collections	1

CITY OF ROCHESTER, NEW HAMPSHIRE
Combined Balance Sheet - All Fund Types and Account Group
June 30, 1986
with comparative totals for June 30, 1985

Assets and Other Debits	Governmental Fund Types			Proprietary Fund Type Enterprise Fund	Fiduciary Fund Types Trust Funds		Account Group General Long-term Debt	Totals (memorandum only)	
	General	Capital Projects	Special Revenue					1986	1985
Cash, including time deposits of \$3,960,663.25 in 1986 and \$7,771,009 in 1985	\$ 6,186,990	—	3,603	200	2,550	—	—	6,193,343	8,403,985
Investments, at cost (market value \$402,625 in 1986 and \$371,210 in 1985)	—	—	—	—	336,235	—	—	336,235	331,321
Receivables (net, where applicable, of allowances for estimated uncollectible amounts of \$12,300 in 1986 and 1985):									
Taxes, including interest, penalties and liens (note 2)	595,603	—	—	—	—	—	—	595,603	806,500
Accounts	124,782	—	—	814,722	—	—	—	939,504	385,838
Unbilled accounts	—	—	—	—	—	—	—	—	51,840
Accrued interest	—	—	—	—	6,608	—	—	6,608	6,608
Other receivables	—	—	—	93,511	—	—	—	93,511	—
Due from other governmental units (note 3)	668,040	35,000	9,428	1,876,759	—	—	—	2,589,227	1,104,992
Due from other funds (note 9)	171,130	685,079	—	983,671	—	—	—	1,839,880	4,759,557
Prepaid insurance	67,375	—	—	—	—	—	—	67,375	—
Inventory	—	—	—	117,713	—	—	—	117,713	90,093
Property, plant and equipment (net of accumulated depreciation) (note 4)	—	—	—	16,524,834	—	—	—	16,254,834	1,787,074
Construction-in-process	—	—	—	8,441,462	—	—	—	8,441,462	1,462,551
Amount to be provided for retirement of general long-term debt (note 5)	—	—	—	—	—	—	14,718,193	14,718,193	18,312,511
Other assets	—	—	—	3,828	—	—	—	3,828	3,240
	\$ 7,813,920	720,079	13,031	28,586,700	345,393	—	14,718,193	52,197,316	37,506,110

CITY OF ROCHESTER, NEW HAMPSHIRE
Combined Balance Sheet - All Fund Types and Account Group, Continued

Liabilities	Governmental Fund Types		Special Revenue	Proprietary Fund Type Enterprise Fund	Fiduciary Fund Trust Funds	Account Group		Totals (memorandum only)
	General	Capital Projects				Long-term Debt	1986	1985
Retainage payable	\$ —	—	—	129,025	—	—	129,025	19,857
Accounts payable	344,015	39,681	—	1,376,512	—	—	1,760,208	1,171,280
Taxes collected in advance (note 2)	3,525,042	—	—	—	—	—	3,525,042	2,387,808
Deferred tax revenues (note 2)	504,560	—	—	—	—	—	504,560	632,938
Unremitted payroll withholdings	44,598	—	—	—	—	—	44,598	45,087
Accrued expenses	661,418	—	—	41,637	—	—	703,055	675,932
Unexpended school Federal monies	107,574	—	—	—	—	—	107,574	120,670
Due to other funds	1,829,439	—	10,441	—	—	—	1,839,880	4,759,557
General obligation bond and notes payable (note 5)	—	—	—	5,529,560	—	14,718,193	20,247,753	18,452,212
Bond anticipation notes payable (note 6)	—	—	—	7,300,000	—	—	7,300,000	5,000,000
Total Liabilities	7,016,646	39,681	10,441	14,376,734	—	14,718,193	36,161,595	33,715,341
Fund Equity								
Contributed capital (note 8)	—	—	—	12,928,292	—	—	12,928,292	686,877
Retained earnings	—	—	—	1,281,674	—	—	1,281,674	672,146
Fund balances:								
Reserved for encumbrances (note 14)	—	143,600	—	—	—	—	143,600	3,010,788
Reserved for endowments	—	—	—	—	326,228	—	326,228	323,624
Unreserved:								
Designated for subsequent years' expenditures (note 14)	200,000	497,117	2,590	—	19,165	—	718,872	846,101
Undesignated (note 14)	597,274	39,681	—	—	—	—	636,955	(1,748,767)
Total Fund Equity	797,274	680,398	2,590	14,209,966	345,393	—	16,035,621	3,790,769
Commitments and contingent liabilities (notes 11, 12 and 13)	\$ 7,813,920	720,079	13,031	28,586,700	345,393	14,718,193	52,197,316	37,506,110

See accompanying notes to financial statements.

Exhibit 2

CITY OF ROCHESTER, NEW HAMPSHIRE
Combined Statement of Revenues, Expenditures and
Changes in Fund Balances - All Governmental Fund Types
Year ended June 30, 1986

	General	Governmental Fund Types Capital Projects	Special Revenue	Total memorandum only)
Revenues:				
Taxes (note 2)	\$ 11,706,875	—	—	11,706,875
Intergovernmental	4,230,787	35,000	184,928	4,450,715
Miscellaneous	1,084,239	35,032	11,397	1,130,668
Total Revenues	17,021,901	70,032	196,325	17,288,258
Expenditures:				
Current:				
General government	674,497	—	—	674,497
Education	10,007,525	—	—	10,007,525
County tax	1,207,308	—	—	1,207,308
Public works	958,702	—	—	958,702
Police	913,807	—	—	913,807
Fire	536,423	—	—	536,423
Public welfare	222,262	—	—	222,262
Public buildings	70,614	—	—	70,614
Library	132,289	—	—	132,289
District court	6,458	—	—	6,458
Ambulance	79,701	—	—	79,701
Street and traffic lights	183,303	—	—	183,303
Recreation	107,540	—	—	107,540
Abateements	36,847	—	—	36,847
Employee benefits	488,569	—	—	488,569
Debt service	1,474,196	—	—	1,474,196
Capital projects	—	1,688,384	—	1,688,384
Community development	—	—	197,506	197,506
Total Expenditures	17,100,041	1,668,384	197,506	18,965,931
Other financing sources (uses):				
Proceeds from bond issue	—	1,402,025	—	1,402,025
Operating transfer in (out) (note 15)	(66,100)	66,100	—	—
Excess of expenditures and other financing uses over revenues and other financing sources	(144,240)	(130,227)	(1,181)	(275,648)
Fund balances, beginning of year	941,514	1,147,572	3,771	2,092,857
Equity transfer (note 15)	—	(336,947)	—	(336,947)
Fund balances, end of year	\$ 797,274	660,398	2,590	1,480,262

See accompanying notes to financial statements.

CITY OF ROCHESTER, NEW HAMPSHIRE
Statement of Revenues and Expenditures
Budget and Actual - General Fund
Year ended June 30, 1986

	Budget	Actual	Variance - favorable (unfavorable)
Revenues:			
Taxes:			
Property, resident, and yield taxes (net of veterans' credits) (note 2)	\$ 10,385,970	10,573,522	187,552
Automobile permits	750,000	1,133,353	383,353
Total Taxes	<u>11,135,970</u>	<u>11,706,875</u>	<u>570,905</u>
Intergovernmental:			
School income	2,441,738	2,679,295	237,557
State shared revenue	1,084,797	1,047,014	(37,783)
State highway aid subsidy	214,871	216,369	1,498
Federal revenue sharing	367,948	288,109	(79,839)
Total Intergovernmental	<u>4,109,354</u>	<u>4,230,787</u>	<u>121,433</u>
Miscellaneous:			
Interest on investments	400,000	575,140	175,140
Police and charges for services	11,000	13,879	2,879
Cablevision	36,000	44,493	8,493
Clerk's fees and licenses	17,000	24,898	7,898
Interest and penalties on delinquent taxes	194,000	200,621	6,621
Other	107,998	224,758	116,760
Total Miscellaneous	<u>765,998</u>	<u>1,084,239</u>	<u>318,241</u>
Total Revenues	<u>16,011,322</u>	<u>17,021,901</u>	<u>1,010,579</u>

Exhibit 3, Cont.

CITY OF ROCHESTER, NEW HAMPSHIRE
Statement of Revenues, Expenditures
Budget and Actual - General Fund, Continued

	Budget	Additional Appropriations	Total	Actual	Variance favorable (unfavorable)
Expenditures:					
Current:					
General government	\$ 713,706	45,000	759,206	674,497	84,709
Education	9,862,451	163,111	10,025,562	10,016,974	8,588
County tax	1,207,308	—	1,207,308	1,207,308	—
Public works	1,080,737	—	1,080,737	958,702	122,035
Police	925,536	—	925,536	913,807	11,729
Fire	557,433	—	557,433	536,423	21,010
Public welfare	294,916	—	294,916	222,262	72,654
Public buildings	80,834	—	80,834	70,614	10,220
Library	154,868	—	154,868	132,289	22,579
District court	6,808	—	6,808	6,458	350
Ambulance	79,701	—	79,701	79,701	—
Street and traffic lights	197,500	—	197,500	183,303	14,197
Recreation	113,361	—	113,361	107,540	5,821
Abatements	56,711	—	56,711	36,847	19,864
Employee benefits	623,042	—	623,042	488,569	134,473
Debt service	1,435,057	39,373	1,474,430	1,474,196	234
Total Expenditures	17,389,969	247,984	17,637,953	17,109,490	528,463
Other financing sources — budgeted utilization of fund balance (note 14)	\$ 1,378,647	247,984	1,626,631	1,626,631	—
Excess of revenues and other financing sources over expenditures				\$ 1,539,042	1,539,042

See accompanying notes to financial statements.

CITY OF ROCHESTER, NEW HAMPSHIRE
Combined Statement of Revenues, Expenses and Changes in
Retained Earnings/Fund Balances - Proprietary Fund Type
and Trust Funds
Year ended June 30, 1986

	Proprietary Fund Type Enterprise Funds	Fiduciary Fund Type Trust Funds	Total (memorandum only)
Operating revenues:			
Charges for services	\$ 1,499,137	—	\$ 1,499,137
Interest and dividends	1,279	35,644	36,943
Gain on sale of securities	—	2,604	2,604
Gifts	—	—	—
	<u>1,500,416</u>	<u>38,268</u>	<u>1,538,684</u>
Operating expenses:			
Labor	205,911	—	205,911
Supplies	13,177	—	13,177
Depreciation	209,397	—	209,397
Heat, light and power	50,263	—	50,263
Repairs	80,987	—	80,987
Employee benefits	39,340	—	39,340
Other	49,240	3,417	52,657
Distribution to bene- ficiaries	—	28,348	28,348
	<u>648,315</u>	<u>31,765</u>	<u>680,080</u>
Operating income	852,101	6,503	858,604
Nonoperating revenue - interest	166,968	—	166,968
Nonoperating expenses - interest	<u>535,302</u>	<u>—</u>	<u>535,302</u>
Net income	483,767	6,503	490,270
Retained earnings/fund balances, beginning of yr.	672,146	338,890	1,011,036
Depreciation and amortiza- tion on assets acquired with contributions (note 8)	125,761	—	125,761
Retained earnings/fund balance, end of year	<u>\$ 1,281,674</u>	<u>345,393</u>	<u>1,627,067</u>

See accompanying notes to financial statements.

CITY OF ROCHESTER, NEW HAMPSHIRE
Combined Statement of Changes in Financial Position
Proprietary Fund Type and Trust Funds
Year ended June 30, 1986

	Proprietary Fund Type Enterprise Funds	Fiduciary Fund Type Trust Funds	Total (memorandum only)
Sources of working capital:			
Net income	\$ 483,767	6,503	490,270
Item not requiring working capital - depreciation	<u>209,397</u>	<u>—</u>	<u>209,397</u>
Working capital provided by operations	693,164	6,503	699,667
Contributions to capital in aid of construction	12,367,177	—	12,367,177
Proceeds from debt transfer	5,439,030	—	5,439,030
Proceeds from bond anticipation note	<u>2,300,000</u>	<u>—</u>	<u>2,300,000</u>
	<u><u>20,799,371</u></u>	<u><u>6,503</u></u>	<u><u>20,805,874</u></u>
Uses of working capital:			
Acquisition of property, plant and equipment	14,677,158	—	14,677,158
Construction in process	6,978,911	—	6,978,911
Retirement of debt	49,171	—	49,171
Net increase (decrease) in working capital	<u>(905,869)</u>	<u>6,503</u>	<u>(899,366)</u>
	<u><u>\$ 20,799,371</u></u>	<u><u>6,503</u></u>	<u><u>20,805,874</u></u>
Elements of net increase (decrease) in working capital:			
Cash	—	1,589	1,589
Investments	—	4,914	4,914
Accounts receivable	730,611	—	730,611
Other receivables	93,511	—	93,511
Inventory	27,620	—	27,620
Other assets	588	—	588
Due from other funds	<u>(2,234,183)</u>	<u>—</u>	<u>(2,234,183)</u>

Accounts payable	(1,301,278)	—	(1,301,278)
Retainage payable	(129,025)	—	(129,025)
Accrued expenses	29,528	—	29,528
Due from other government units	<u>1,876,759</u>	<u>—</u>	<u>1,876,759</u>
Net increase (de- crease) in working capital	<u>\$ (905,869)</u>	<u>6,503</u>	<u>(899,366)</u>

See accompanying notes to financial statements.

CITY OF ROCHESTER, NEW HAMPSHIRE
Notes to Financial Statements
June 30, 1986

1. Summary of Significant Accounting Policies

The City of Rochester, New Hampshire was incorporated in 1891 under the laws of the State of New Hampshire. The City operates under a Council-Mayor form of government and provides the following services as authorized by its charter: public safety, public works, recreation, and education.

This report includes financial statements of the funds and account groups required to account for those financial activities which are related to the City and are controlled by or dependent upon the City's legislative body, the City Council. Control or dependence upon the City was determined on the basis of budget adoption, taxing authority, outstanding debt secured by revenues or general obligations of the City, or the City's legal responsibility to fund any deficits that may occur.

The accounting policies of the City of Rochester, New Hampshire conform to generally accepted accounting principles as applicable to governmental units. The following is a summary of the more significant policies:

A. Basis of Presentation - Fund Accounting

The accounts of the City are organized on the basis of funds or account groups, each of which is considered a separate accounting entity. The operations of each fund are accounted for with a separate set of self-balancing accounts that comprise its assets, liabilities, fund balance/retained earnings, revenues, and expenditures/expenses. The various funds are summarized

by type in the financial statements. The following fund types and account groups are used by the City:

Governmental Fund Types

Governmental Funds are those through which most governmental functions of the City are financed. The acquisition, use and balances of the City's expandable financial resources and the related liabilities (except those accounted for in proprietary funds) are accounted for through governmental funds. The measurement focus is upon determination of changes in financial position, rather than upon net income determination. The following are the City's governmental fund types.

General Fund - The General Fund is the general operating fund of the City. It is used to account for all financial resources except those required to be accounted for in another fund.

Capital Projects Fund - Capital Projects Fund is used to account for financial resources to be used for the acquisition or construction of major capital facilities (other than those financed by other funds).

Special Revenue Funds - Special Revenue Funds are used to account for the proceeds of specific revenue sources (other than expendable trusts or major capital projects) that are legally restricted to expenditures for specified purposes.

Proprietary Fund Types

Proprietary Funds are used to account for the City's ongoing activities which are similar to those often found in the private sector. The measurement focus is upon determination of net income.

Enterprise Funds - Enterprise Funds are used to account for operations (a) that are financed and operated in a manner similar to private business enterprises - where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/or net income is appropriate for capital maintenance, public policy, management control,

accountability, or other purposes.

Fiduciary Fund Types

Fiduciary Funds are used to account for assets held by the City in a trustee capacity or as an agent for individuals, private organizations, other governmental units, and/or other funds.

Trust Funds - Trust Funds include expendable and nonexpendable funds. Nonexpendable funds are accounted for and reported as proprietary funds since capital maintenance is critical. Expendable trust funds are immaterial and are recorded with nonexpendable trust funds.

Account Group

An account group is used to establish accounting control and accountability for the City's general long-term debt.

General Long-term Debt Account Group - This group of accounts is established to account for all long-term debt of the City except that accounted for in the proprietary funds.

B. Basis of Accounting

The modified accrual basis of accounting is followed by the governmental funds. Under the modified accrual basis of accounting, revenues are recorded when susceptible to accrual, i.e., both measurable and available. Available means collectible within the current period or soon enough thereafter to be used to pay liabilities of the current period. Expenditures, other than interest on long-term debt, are recorded when the liability is incurred, if measurable.

In applying the susceptible to accrual concept to intergovernmental revenues, the legal and contractual requirements of the numerous individual programs are used as guidance. There are, however, essentially two types of these revenues. In one, monies must be expended on the specific purpose or project before any amounts will be paid to the City; therefore, revenues are recognized based upon the expenditures recorded. In the other, monies are virtually unrestricted as to purpose of expenditure and are usually revocable only for failure to comply with prescribed compliance requirements. These resources are reflected as revenues at the time of receipt or earlier if the susceptible to accrual criteria are met.

Licenses and permits, charges for services, fines and forfeits, and miscellaneous revenues (except investment earnings) are recorded as revenues when received in cash because they are generally not measurable until actually received. Investment earnings are recorded as earned since they are measurable and available.

The accrual basis of accounting is used by proprietary funds and trust funds.

C. Budgetary Accounting

The City utilizes a formal budgetary accounting system to control revenues and expenditures accounted for in the general fund. These budgets are established in accordance with the various laws which govern the City's operations.

The operating budget includes proposed expenditures and the means of financing them. Public hearings are conducted to obtain taxpayer comments. The budget is legally enacted through the passage of an ordinance. The City is authorized to transfer budgeted amounts between departments; however, any revisions that alter the total expenditures must be approved by the City Council.

All unexpended appropriations lapse at year end unless specific approval is granted to carry forward such amounts. Departmental expenditures may not exceed appropriations. Budget data as presented for these funds utilize the modified accrual basis of accounting.

The City employs certain accounting principles in its budgetary reporting that differ from generally accepted accounting principles. Those differences and their effect on the General Fund follow:

Statement of revenues and expenditures - budget and actual - excess of revenues and other financing sources over expenditures	\$ 1,539,042
Teachers' salaries payable at June 30, 1986 accrued under generally accepted accounting principles	(661,418)
Teachers' salaries paid in 1986 accrued at June 30, 1985	604,767
Appropriation of fund balance (including supplemental appropriations)	<u>(1,626,631)</u>

Combined statement of revenues, expenditures and changes in fund balance – excess of expenditures and other financing uses over revenues and other financing sources	<u>\$ (144,240)</u>
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Additionally, property taxes estimated to be collected more than sixty days after year end, which are reported as deferred revenue under generally accepted accounting principles, have been considered prior year surplus for purposes of appropriation.

Fund balance at beginning of year – statement of revenues, expenditures and changes in fund balance	\$ 941,514
Deferred tax revenue at June 30, 1985	632,938
Appropriation of fund balance (excluding supplemental appropriations)	<u>(1,378,647)</u>
Available surplus - budgetary basis prior to supplemental appropriations	<u>\$ 195,805</u>

Budgets for the general fund and the enterprise funds are formally adopted each year through the passage of an appropriation resolve. Special revenue funds and capital projects funds do not have legally appropriated budgets but have adopted project budgets.

D. Inventory

Inventory in the enterprise fund which consists of spare parts is valued at the lower of cost (first-in, first-out) or market.

E. Property, Plant and Equipment - Enterprise Fund

Property, plant and equipment owned by the enterprise fund is stated at cost. Depreciation has been provided over the estimated useful lives using the straight-line method. The estimated useful lives are as follows:

Structures	50 years
House services	25-50 years
Mains	75-100 years
Equipment	3-25 years
Water tanks	100 years
Sewer lines and pumping stations	50-75 years

F. Comparative Totals (Memorandum Only)

Comparative total data for the prior year have been presented in

the accompanying combined balance sheet in order to provide an understanding of changes in the City's financial position. However, comparative data (i.e., presentation of prior year totals by fund type) have not been presented in each of the statements, since their inclusion would make the statements unduly complex and difficult to read.

The total data are the aggregate of the fund types and account groups. No consolidating or other eliminations were made in arriving at the totals; thus they do not present consolidated information.

G. Vacation and Sick Leave

Vacation leave expires at the end of each fiscal year. Accumulated sick leave of up to 50 to 90 days is paid to employees upon retirement after 10 years of service and attaining the age of 62. Accumulated sick leave is estimated to be immaterial.

2. Property Tax

The City's property tax was levied November 1 on the assessed value listed as of the prior April 1 for all real property located in the City. The last reevaluation occurred in 1982. The net assessed value for the list of April 1, 1982, upon which the 1985/86 levy was based, was \$361,643,650 which was 72% of the estimated market value.

Taxes are due in two installments on July 1 and December 1 with interest assessed thereafter on balances remaining unpaid. Current tax collections for the period ended June 30, 1986 were 96% of the tax levy.

Property taxes levied for the 1986 fiscal year are recorded as receivables. The receivables collected during the 1986 fiscal year and those collected through August 31, 1986 are recognized as revenues in the current year. Receivables, totalling \$504,560, estimated to be collectible subsequent to the sixty-day period are deferred revenues. Fiscal year 1986 taxes collected in advance totalling \$3,525,042 are also included in deferred revenues. Prior year tax levies were recorded using this same principle.

3. Due From Other Governmental Units

The amount in the Capital Projects Fund represents unclaimed portions of capital construction grants committed by various Federal

and State agencies. The amount has been accrued to the extent that actual expenditures exceed reimbursement. The amount of \$668,040 in the General Fund consists of funds due from the State and Federal Government for highway subsidies and revenue sharing. The amount of \$1,876,759 in the enterprise fund represents the state's share of the cost of the City's new waste water treatment facility which will be received as debt service reimbursement over the term of the related bonds. The balance in the special revenue represents unreimbursed expenditures under the Community Development Block Grant program.

4. Fixed Assets

The City does not maintain a record of its general fixed assets as required by generally accepted accounting principles applicable to governmental units. Expenditures for property and equipment incurred in the general fund are charged against departmental operations whenever such items are purchased.

A summary of the enterprise fund's property, plant and equipment at June 30, 1986 follows:

	Water Fund	Sewer Fund	Total
Structures and land	\$ —	1,767,400	1,767,400
Land improvements	104,908	—	104,908
House services	499,220	—	499,220
Mains, pump stations and sewer lines	2,038,579	552,504	2,591,083
Equipment	706,041	189,179	895,220
Waste water treatment plant	—	12,105,319	12,105,319
Furniture and fixtures	—	25,000	25,000
	<u>3,348,748</u>	<u>14,639,402</u>	<u>17,988,150</u>
Less accumulated depreciation	<u>1,587,385</u>	<u>145,931</u>	<u>1,733,316</u>
	<u>\$1,761,363</u>	<u>14,493,471</u>	<u>16,254,834</u>

At June 30, 1986, construction in process in the water fund consists of a new Water Works Improvement Program. Construction in process in the water fund and the waste water treatment plant include \$218,792 and \$108,819 of capitalized interest costs, respectively. Capital projects at June 30, 1986 include miscellaneous projects throughout the City.

5. Long-term Debt

The following is a summary of debt transactions of the City for the year ended June 30, 1986:

	<u>General Obligation</u>	<u>Enterprise Funds</u>	<u>Total</u>
Debt payable at June 30, 1985	\$ 18,312,511	139,701	18,452,212
New debt issued — long-term debt	3,322,025	—	3,322,025
Debt transferred to enterprise funds	(5,439,030)	5,439,030	—
Debt retired — principal payments — LTD	<u>(1,477,313)</u>	<u>(49,171)</u>	<u>(1,526,484)</u>
Debt payable at June 30, 1986	<u>\$ 14,718,193</u>	<u>5,529,560</u>	<u>20,247,753</u>

CITY OF ROCHESTER, NEW HAMPSHIRE

5. Long-term Debt, Continued

Bonds and notes payable at June 30, 1986 are comprised of the following individual issues:

General obligation bonds:

	Interest Rate	Final Maturity Date	Annual Serial Payment	Amount Issued	Balance at June 30, 1986
Fiscal year change bond #1	variable	3/ 1/92	variable	\$ 3,751,620	2,789,645
Fiscal year change bond #2	variable	11/ 1/97	variable	3,765,644	3,302,405
East Rochester School	4.60	12/15/87	\$ 40,000	785,000	70,000
New high school and Allen School addition	7.50	9/ 1/04	165,000	4,965,000	3,135,000
Police, fire station and city hall repairs	7.50	9/ 1/04	40,000	1,100,000	665,000
Capital bond issue #1	variable	12/ 1/87	300,000	1,489,714	593,906
Capital bond issue #2	8.60	7/15/94	variable	568,956	494,956
Capital bond issue #3	9.40	11/ 1/99	variable	2,397,000	2,224,356
Capital bond issue #4	7.445	11/19/95	variable	1,402,025	1,402,025
Total general obligation bonds payable				20,224,959	14,677,293

General obligation notes:

Swimming pool enclosure	4.50	7/11/86	2,000	40,000	2,000
Salmon Falls road repairs	5.70	11/ 4/87	5,200	52,000	10,400
Purchase Courier building	5.875	11/10/88	1,800	18,000	5,400
Salmon Falls road repairs	5.875	11/10/88	7,700	77,000	23,100
Total general obligations notes payable	187,000	40,900			
Total Debt				\$ 20,411,959	14,718,193

The City has a commitment from the State of New Hampshire to pay funds in the amount of \$1,745,477 to pay a portion of the school bonds. The funds will be received from the state as the bond payments come due. In addition, the City has a commitment requiring the State of New Hampshire to provide funds of \$2,011,381 from the Water Supply and Pollution Control Commission to pay a portion of the Waste Water Treatment Plant bonds included in the City's sewer fund.

CITY OF ROCHESTER, NEW HAMPSHIRE

5. Long-term Debt, Continued

In addition to the general obligation debt exhibited above, the City of Rochester has a contingent liability against its full faith and credit on the enterprise fund debt listed below. The general credit of the municipality is obligated only to the extent that liens foreclosed against properties are insufficient to retire outstanding debt.

Enterprise fund notes:					
Pickering Road Water construction, sewage and lift station	variable	11/22/86	\$ 17,500	175,000	17,500
Land at Round Pond	5.875	11/10/88	2,250	22,500	6,750
Water, sewer extension and sewer pump	5.70	11/04/87	5,290	52,896	10,579
				250,396	34,829
Enterprise fund bonds:					
Fiscal year change bond #1	variable	3/ 1/92	variable	48,380	40,355
Fiscal year change bond #2	variable	11/ 1/97	variable	34,356	32,595
Capital bond issue #1	variable	12/ 1/87	variable	15,286	6,094
Capital bond issue #2	8.60	7/15/94	variable	115,044	115,044
Capital bond issue #3	9.04	11/ 1/99	variable	128,000	125,643
Capital bond issue #4	7.445	11/15/95	variable	20,000	20,000
Water Pollution Phase I	3.90	12/15/96	100,000	3,000,000	1,100,000
Waste water treatment plant	variable	7/15/04	115,000	2,270,000	2,155,000
Sewer capital improvement bond	8.164	11/15/05	95,000	1,900,000	1,900,000
				7,531,066	5,494,731
Total debt (including current portion of \$788,400)				\$ 7,781,462	5,529,560

5. Long-term Debt, Continued

The annual requirements to amortize debt outstanding as of June 30, 1985, including interest payments of \$11,938,427, and excluding principal on bond anticipation notes, are as follows:

<u>Year ending June 30,</u>	<u>General Obligation</u>	<u>Enterprise Fund</u>	<u>Total</u>
1987	\$ 2,657,877	788,440	3,446,317
1988	2,582,621	746,367	3,328,988
1989	2,193,581	713,918	2,907,499
1990	2,151,434	687,632	2,839,066
1991	2,119,033	663,362	2,782,395
1992 - 1996	7,103,747	2,894,171	9,997,918
1997 - 2001	3,034,979	1,832,553	4,867,532
Thereafter	920,000	1,096,465	2,016,465
	<u>\$ 22,763,272</u>	<u>9,422,908</u>	<u>32,186,180</u>

The City is subject to state law which limits debt outstanding to a percentage (depending on how funds will be used) of its last full state valuation. Debt incurred for state required sewerage systems and the fiscal year change bond are not subject to the limit. The following is a summary, by purpose, of the outstanding debt of the City at June 30, 1986 and related limitations.

	<u>Net debt outstanding</u>	<u>Percent of state assessed value of \$553,370,577</u>	<u>Statutory limit</u>	<u>Debt margin</u>
School	\$ 3,693,774	7.00%	\$ 38,735,940	35,042,166
Water	100,530	10.00	55,337,058	55,236,528
All other	4,950,449	1.75	9,683,985	4,733,536
	<u>8,744,753</u>		<u>\$ 103,756,983</u>	<u>95,012,230</u>

Not Subject to Limitations:

Fiscal year	
change bond	6,128,958
Sewer	5,374,044
	<u>11,503,002</u>
	<u>\$20,247,755</u>

5. Long-term Debt, Continued

The general obligation debt of all local government units which provide services within the City's boundaries and which must be borne by properties in the City (commonly called overlapping debt), is summarized below:

<u>Units</u>	<u>Debt outstanding</u>	<u>Percentage applicable to the City</u>	<u>Overlapping debt</u>
City	\$ 14,718,193	100.00%	\$14,718,193
Water	100,530	100.00	100,530
Sewer	5,429,030	100.00	5,429,030
Conty	6,000,000	24.00	1,440,000
Total	<u>\$ 26,247,753</u>		<u>\$21,687,753</u>

The above results in a ratio of City gross debt to June 30, 1986 assessed valuation of 5.6%; and a ratio of overlapping debt to June 30, 1986 assessment valuation of 6.0%.

6. Bond Anticipation Notes

The \$7,300,000 bond anticipation notes in the water fund carry interest at 5.1% and mature on July 21, 1986. The City anticipates issuing long-term debt to finance the repayment of these notes; accordingly, the notes have been presented as a noncurrent liability in the combined statement of changes in financial position. In 1986 the City incurred \$352,400 of interest expense relative to the notes, of which \$186,792 was capitalized as a cost of construction.

7. Pension Plan

The City participates in the New Hampshire retirement system which is a multi-employer defined benefit pension plan. The system covers all full-time permanent City and school employees, requires that both employees and the City contribute to the plan and provides retirement, disability and death benefits. Employees are eligible for normal retirement upon attaining age sixty and early retirement after reaching age fifty-five provided they have accumulated ten years of creditable service. The City's contribution for the year ended June 30, 1986 is \$170,741.

As of June 30, 1986, the unfunded accrued liability approximated \$14,557 and is being amortized over a remaining period of two

years. Actuarially determined vested and nonvested benefits have not been calculated for the plan.

8. Contributed Capital

A summary of changes in contributed capital follows:

Contributed capital, beginning of year	\$ 686,877
Contributions	12,367,177
Depreciation on assets acquired with contributions	<u>125,761</u>
Contributed capital, end of year	<u>\$12,928,292</u>

9. Due From (To) Other Funds

The amounts due from other funds in the capital projects and enterprise funds represent amounts due from the general fund as a result of bond proceeds for the capital project and water funds being deposited into, and disbursed from the general fund cash account, in an attempt to attain higher yields on undisbursed bond proceeds.

10. Enterprise Fund

On July 1, 1985, the City established a sewer fund to account for the operation of its sewage treatment facilities, and during 1986 it began charging users for services. The policy became effective in conjunction with the start-up of its new waste water treatment plant. The activities of the operation as well as those of the water fund are reported in the enterprise funds.

All residential users pay present quarterly fees for sewer and water use, and commercial users pay fees based on volume. Segment information for the two funds follows:

Segment Information	Sewer Fund	Water Fund
Operating revenue	\$ 307,460	\$ 1,192,856
Depreciation	145,931	63,466
Operating income (loss)	(7,108)	859,209
Net income (loss)	(198,078)	681,845
Current capital contributions	12,349,552	17,625
Equity transfers from other funds	336,947	—
Property, plant and equipment — additions	14,639,402	23,110
Net working capital	3,087,033	(743,803)
Total assets	17,792,856	10,793,844
Bonds and other long-term liabilities	5,429,030	7,400,530
Total equity	12,151,474	2,058,492

11. Contingent Liabilities

The City participates in a number of Federally-assisted grant programs. These programs are subject to financial and compliance audits by the grantors or their representatives. The audits of these programs for or including the year ended June 30, 1986, have not yet been completed. Accordingly, the City's compliance with applicable grant requirements will be established at some future date. The amount, if any, of expenditures which may be disallowed by the granting agencies cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

12. Litigation

There are various suits and claims pending against the City which arise in the normal course of the City's activities. In the opinion of counsel and City management, the ultimate disposition of these various claims and suits will not have a material effect on the financial position of the City.

13. Commitments

At June 30, 1986, the City had outstanding commitments of \$473,454 related to the unspent portion of construction contracts for the waste water treatment project reported in its sewer fund. This amount will be paid from sewer fees. The City also had outstanding commitments of \$4,064,363 related to the water works improvement project reported in the water fund. It is estimated that the project will cost approximately \$12,400,000, which will be funded through the issuance of long-term bonds and will be repaid by user fees.

14. Fund Balance

As permitted under State law, the City adopted a budget for the current year which provided for the utilization of prior year surplus. The surplus had been generated by excess revenue over expenditures in prior years. The City adopted a budget for fiscal 1987 which designated \$200,000 to be used to reduce that year's taxes and it may continue to use prior fund balances to reduce taxes in the future. Fund balance reserved for encumbrances represents unspent amounts on construction contracts for capital improvement projects.

15. Transfers

Equity

On July 1, 1985, the City of Rochester established a sewer fund. Prior to that date, construction activities related to a waste water treatment plant had been accounted for in the capital projects fund. Balances related specifically to the sewer operation were recorded on the sewer enterprise fund through an equity transfer of \$336,947.

Operating

The operating transfer from the general fund consists of a \$66,100 transfer to the capital projects fund for the construction of a new high school track.

16. Self-Insurance

The City self-insures its employee health insurance program to the extent of \$37,500 per claim. Any unreported claims outstanding at June 30, 1986 are expected to be immaterial.

17. Subsequent Event

On February 3, 1987, the City appropriated an additional \$650,000 of its undesignated fund balance for increased costs resulting from a new teachers' contract which became effective on September 1, 1986.

CITY OF ROCHESTER
Assessed Valuation, Commitment and Collections
Year ended June 30, 1986

	<u>Valuation</u>	<u>Tax rate (dollars per thousand)</u>	<u>Commitment</u>
Real property (net)	\$361,643,650	28.70	10,379,173
Supplemental taxes			34,225
			<u>10,413,398</u>
Less:			
Veterans' exemption			128,050
Cash collections			9,855,054
Taxes abated			19,096
			<u>10,002,200</u>
1985 taxes uncollected at June 30, 1986			<u><u>\$ 411,198</u></u>

